

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

05 5796

MICROSOFT CORPORATION, a
Washington corporation,

Plaintiff,

v.

AGA SOLUTIONS, INC., a New York
corporation, d/b/a ADVANCED
SOFTWARE SOLUTIONS and
ADVANCED COMPUTER SOLUTIONS;
MITCHELL S. ACKERMAN, a/k/a
SCOTT SIMON, WANTAMANSION, and
MEGAHERTZ932, an individual; and LEE
K. ACKERMAN, a/k/a PASSPORT2002,
an individual;

Defendants.

No.

**COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF**

HURLEY, J.
FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ DEC 13 2005 ★
BROOKLYN OFFICE

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ORENSTEIN, M

INTRODUCTION

1. This is an action by Microsoft Corporation ("Microsoft") to recover damages arising from, and to enjoin, illegal activities by AGA Solutions, Inc., Mitchell S. Ackerman and Lee K. Ackerman (collectively, "Defendants") in trafficking counterfeit Microsoft software and components. Defendants continued to advertise, distribute and sell counterfeit Microsoft products despite written warnings from Microsoft and at least one seizure of their wares by agents of the United States Customs Service. Indeed, Defendants continued to advertise, distribute, and sell Microsoft software and components despite the November 7, 2005 arrest of Mitchell Ackerman by the Nassau County District Attorney's Office on two felony counts relating to this activity. *See People v. Mitchell Ackerman*, Docket No. 23613/2005 (Nassau County District Court, First District).

2. By this action, Microsoft seeks to recover damages, the imposition of a constructive trust upon Defendants' illegal profits and assets purchased with those profits, and injunctive relief.

THE PARTIES

3. Plaintiff Microsoft is a Washington corporation with its principal place of business in Redmond, Washington. Microsoft develops, markets, distributes and licenses computer software.

4. Defendant AGA Solutions, Inc. is a New York corporation with its principal place of business in Jericho, New York. At all relevant times, AGA Solutions, doing business as "Advanced Software Solutions" and "Advanced Computer Solutions," was engaged in the business of advertising, distributing and selling computer software and components, including purported Microsoft software and components. AGA Solutions conducted a substantial portion of its business on the Internet through (a) multiple websites including www.asoftwaresolutions.com and www.advancedcomputersolutions.com, and (b) on-line auctions services such as eBay.

5. Defendant Mitchell S. Ackerman is a resident of Jericho, New York. Mitchell Ackerman is an officer, director and/or shareholder of AGA Solutions. Upon information and belief, Mitchell Ackerman has used, and continues to use, aliases, including "Scott Simon," "wantamansion" and "megahertz932." Upon information and belief, Mitchell Ackerman is the spouse of Lee Ackerman and personally participated in and/or had the right and ability to supervise, direct and control the wrongful conduct alleged in this Complaint, and derived direct financial benefit from that wrongful conduct. At certain times, Mitchell Ackerman was identified on the www.asoftwaresolutions.com website as president and sales manager.

6. Defendant Lee K. Ackerman is a resident of Jericho, New York. Upon information and belief, Lee Ackerman has used, and continues to use, aliases, including

“Passport2002.” Upon information and belief, Lee Ackerman is the spouse of Mitchell Ackerman and personally participated in and/or had the right and ability to supervise, direct and control the wrongful conduct alleged in this Complaint, and derived direct financial benefit from that wrongful conduct. At certain times, Lee Ackerman was identified on the www.asoftwareolutions.com website as head of shipping.

JURISDICTION AND VENUE

7. This Court has subject matter jurisdiction over Microsoft’s claims for trademark infringement, copyright infringement and related claims pursuant to 15 U.S.C. § 1121, 17 U.S.C. § 501, 18 U.S.C. § 2318, and 28 U.S.C. § 1331 and § 1338(a).

8. This Court has supplemental jurisdiction over Microsoft’s claims arising under the laws of New York pursuant to 28 U.S.C. § 1367(a) because the claims are so related to Microsoft’s claims under federal law that they form part of the same case or controversy and derive from a common nucleus of operative fact.

9. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) and § 1400(a) because (a) the acts and infringement and other alleged wrongful conduct occurred in the Eastern District of New York, (b) Defendants may be found in the Eastern District of New York, and (c) Defendants have sufficient connection with the Eastern District of New York to make venue proper in this District, as alleged in this Complaint.

FACTS COMMON TO ALL CLAIMS

10. Microsoft develops, advertises, markets, distributes, and licenses a number of computer software programs. Microsoft’s software programs are recorded on magnetic diskettes and/or CD-ROM’s, and they are packaged and distributed together with associated proprietary materials such as user’s guides, user’s manuals, end user license agreements, and other components.

11. Microsoft Certificates of Authenticity and Certificate of Authenticity Labels (sometimes referred to as “COAs,” “COA Labels” or “COALs”) are special certificates or

labeling components that are distributed with Microsoft software programs in order to help end-users verify whether they have genuine Microsoft software. COA Labels are manufactured with holograms, heat sensitive threads and other security features that make unauthorized duplication difficult.

12. Microsoft Windows XP: Microsoft has developed, advertises, markets, distributes, and licenses software packages known as Microsoft Windows XP Professional, Microsoft Windows XP Professional x64 Edition, and Microsoft Windows XP Home (collectively, "Windows XP"). Windows XP is an operating system for desktop and laptop systems. It performs a number of computer-related operations including, but not limited to, providing support for various applications and allowing remote access to data and applications stored in Windows XP desktops from network connections. Microsoft holds a valid copyright in Windows XP (including user's reference manuals, user's guides, and screen displays) that was duly and properly registered with the United States Copyright Office. A true and correct copy of the Registration Certificate for Microsoft Windows XP, bearing the number TX 5-407-055 is attached hereto as Exhibit 1, and is incorporated by reference.

13. Microsoft Windows 2000 Professional: Microsoft has developed, advertises, markets, distributes and licenses a software package known as Microsoft Windows 2000 Professional ("Windows 2000 Pro"). Windows 2000 Pro is an operating system for business desktop and laptop systems. It performs a number of computer-related operations including, but not limited to, running software applications, connecting to Internet and intranet websites, and accessing files, printers, and network resources. Microsoft holds a valid copyright in Windows 2000 Pro (including user's reference manuals, user's guides, and screen displays) that was duly and properly registered with the United States Copyright Office. A true and correct copy of the Registration Certificate for Microsoft Windows 2000

Pro, bearing number TX 5-036-267, is attached hereto as Exhibit 2 and is incorporated by reference.

14. Microsoft Windows 98: Microsoft has developed, advertises, markets, distributes and licenses a software package known as Microsoft Windows 98 ("Windows 98"). Windows 98 performs a number of computer-related operations including, but not limited to, allocating computer memory, scheduling the execution of application software, and managing the flow of information and communication among the various components of the personal computer. Microsoft holds a valid copyright in Windows 98 (including user's reference manuals, user's guides, and screen displays) that was duly and properly registered with the United States Copyright Office. A true and correct copy of the Registration Certificate for Microsoft Windows 98, bearing number TX 4-687-920, is attached as Exhibit 3 and is incorporated by reference.

15. Microsoft Windows 2003 Server: Microsoft has developed, advertises, markets, distributes and licenses a software package known as Microsoft Windows 2003 Server Standard ("Windows 2003 Server"). Windows 2003 Server is a multi-purpose network operating system for businesses of all sizes. Microsoft holds a valid copyright in Windows 2003 Server (including user's reference manuals, user's guides, and screen displays) that was duly and properly registered with the United States Copyright Office. A true and correct copy of the Registration Certificate for Microsoft Windows 2003 Server, bearing number TX 5-811-026, is attached as Exhibit 4 and is incorporated by reference.

16. Microsoft Windows 2000 Server: Microsoft has developed, advertises, markets, distributes and licenses software packages known as Microsoft Windows 2000 Server and Microsoft Windows 2000 Advanced Server (collectively, "Windows 2000 Server"). Windows 2000 Server is a multi-purpose network operating system for businesses of all sizes. Microsoft holds a valid copyright in Windows 2000 Server (including user's reference manuals, user's guides, and screen displays) that was duly and

properly registered with the United States Copyright Office. A true and correct copy of the Registration Certificate for Microsoft Windows 2000 Server, bearing number TX 5-036-268, is attached as Exhibit 5 and is incorporated by reference.

17. Microsoft Windows NT Workstation 4.0: Microsoft has developed, advertises, markets, distributes and licenses a software package known as Microsoft Windows NT Workstation 4.0 ("Windows NT"). Windows NT is a multi-purpose network operating system for businesses of all sizes. Microsoft holds a valid copyright in Windows NT (including user's reference manuals, user's guides, and screen displays) that was duly and properly registered with the United States Copyright Office. A true and correct copy of the Registration Certificate for Microsoft Windows NT, bearing number TX 4-395-740, is attached as Exhibit 6 and is incorporated by reference.

18. Microsoft Office 2003: Microsoft Office 2003 Professional, Microsoft Professional Enterprise Edition, and Microsoft 2003 Standard (collectively, "Office 2003") are suites of popular Microsoft software programs. Microsoft holds a valid copyright in Office 2003 (including user's reference manuals, user's guides, and screen displays) that was duly and properly registered with the United States Copyright Office. A true and correct copy of the Registration Certificate for Microsoft Office 2003, bearing number TX 5-837-617, is attached as Exhibit 7 and is incorporated by reference. Office 2003 includes the following popular Microsoft software programs:

a. Microsoft Access 2003, a program that allows users to create and manipulate databases and to store data. Microsoft holds a valid copyright in Microsoft Access 2003 (including user's reference manuals, user's guides, and screen displays) that was duly and properly registered with the United States Copyright Office. A true and correct copy of the Copyright Registration Certificate for Microsoft Access 2003, bearing number TX 5-872-225, is attached as Exhibit 8 and is incorporated by reference.

b. Microsoft Excel 2003, a program that allows users to create and manage spreadsheets, perform calculations, and store numerical data. Microsoft holds a valid copyright in Microsoft Excel 2003 (including user's reference manuals, user's guides, and screen displays) that was duly and properly registered with the United States Copyright Office. A true and correct copy of the Copyright Registration Certificate for Microsoft Excel 2003, bearing number TX 5-837-636, is attached as Exhibit 9 and is incorporated by reference.

c. Microsoft Outlook 2003, a program that allows users and networked teams to create and manage calendars, tasks, contacts, and email communications. Microsoft holds a valid copyright in Microsoft Outlook 2003 (including user's reference manuals, user's guides, and screen displays) that was duly and properly registered with the United States Copyright Office. A true and correct copy of the Copyright Registration Certificate for Microsoft Outlook 2003, bearing number TX 5-900-087, is attached as Exhibit 10 and is incorporated by reference.

d. Microsoft PowerPoint 2003, a program that allows users to create, organize and present overhead and slide presentations. Microsoft holds a valid copyright in Microsoft PowerPoint 2003 (including user's reference manuals, user's guides, and screen displays) that was duly and properly registered with the United States Copyright Office. A true and correct copy of the Copyright Registration Certificate for Microsoft PowerPoint 2003, bearing number TX 5-852-649, is attached as Exhibit 11 and is incorporated by reference.

e. Microsoft Word 2003, a program that allows users to create and edit reports and documents. Microsoft holds a valid copyright in Microsoft Word 2003 (including user's reference manuals, user's guides, and screen displays) that was duly and properly registered with the United States Copyright Office. A true and correct copy of the

Registration Certificate for Microsoft Word 2003, bearing number TX 5-900-088, is attached as Exhibit 12 and is incorporated by reference.

f. Microsoft Publisher 2003, a desktop publishing program that allows users to create, customize, and publish materials such as newsletters, brochures, flyers, catalogs, and websites. Microsoft holds a valid copyright in Microsoft Publisher 2003 (including user's reference manuals, user's guides, and screen displays) that was duly and properly registered with the United States Copyright Office. A true and correct copy of the Copyright Registration Certificate for Microsoft Publisher 2003, bearing number TX 5-837-618, is attached as Exhibit 13 and is incorporated by reference.

19. Microsoft Office XP: Microsoft Office XP Professional, Microsoft Office XP Professional with Front Page, and Microsoft Office XP Standard ("Office XP") are suites of popular Microsoft software programs. Microsoft holds a valid copyright in Office XP (including user's reference manuals, user's guides, and screen displays) that was duly and properly registered with the United States Copyright Office. A true and correct copy of the Registration Certificate for Microsoft Office XP, bearing number TX 5-329-272, is attached as Exhibit 14 and is incorporated by reference. Office XP includes the following popular Microsoft software programs:

a. Microsoft Access 2002, a program that allows users to create and manipulate databases and to store data. Microsoft holds a valid copyright in Microsoft Access 2002 (including user's reference manuals, user's guides, and screen displays) that was duly and properly registered with the United States Copyright Office. A true and correct copy of the Copyright Registration Certificate for Microsoft Access 2002, bearing number TX 5-321-421, is attached as Exhibit 15 and is incorporated by reference.

b. Microsoft Excel 2002, a program that allows users to create and manage spreadsheets, perform calculations, and store numerical data. Microsoft holds a valid copyright in Microsoft Excel 2002 (including user's reference manuals, user's guides,

and screen displays) that was duly and properly registered with the United States Copyright Office. A true and correct copy of the Copyright Registration Certificate for Microsoft Excel 2002, bearing number TX 5-318-231, is attached as Exhibit 16 and is incorporated by reference.

c. Microsoft Outlook 2002, a program that allows users and networked teams to create and manage calendars, tasks, contacts, and email communications. Microsoft holds a valid copyright in Microsoft Outlook 2002 (including user's reference manuals, user's guides, and screen displays) that was duly and properly registered with the United States Copyright Office. A true and correct copy of the Copyright Registration Certificate for Microsoft Outlook 2002, bearing number TX 5-321-422, is attached as Exhibit 17 and is incorporated by reference.

d. Microsoft PowerPoint 2002, a program that allows users to create, organize and present overhead and slide presentations. Microsoft holds a valid copyright in Microsoft PowerPoint 2002 (including user's reference manuals, user's guides, and screen displays) that was duly and properly registered with the United States Copyright Office. A true and correct copy of the Copyright Registration Certificate for Microsoft PowerPoint 2002, bearing number TX 5-318-232, is attached as Exhibit 18 and is incorporated by reference.

e. Microsoft Word 2002, a program that allows users to create and edit reports and documents. Microsoft holds a valid copyright in Microsoft Word 2002 (including user's reference manuals, user's guides, and screen displays) that was duly and properly registered with the United States Copyright Office. A true and correct copy of the Registration Certificate for Microsoft Word 2002, bearing number TX 5-321-425, is attached as Exhibit 19 and is incorporated by reference.

f. Microsoft FrontPage 2002, a computer program that allows users to create and manage Internet websites. Microsoft holds a valid copyright in Microsoft

FrontPage 2002 (including user's reference manuals, user's guides, and screen displays) that was duly and properly registered with the United States Copyright Office. A true and correct copy of the Copyright Registration Certificate for Microsoft FrontPage 2002, bearing number TX 5-321-423, is attached as Exhibit 20 and is incorporated by reference.

20. Microsoft Office 2000: Microsoft Office 2000 Professional and Microsoft Office 2000 Premium ("Office 2000") are suites of popular Microsoft software programs. Microsoft holds a valid copyright in Office 2000 (including user's reference manuals, user's guides, and screen displays) that was duly and properly registered with the United States Copyright Office. A true and correct copy of the Registration Certificate for Microsoft Office 2000, bearing number TX 4-905-936, is attached as Exhibit 21 and is incorporated by reference. Office 2000 includes the following popular Microsoft software programs:

a. Microsoft Access 2000, a program that allows users to create and manipulate databases and to store data. Microsoft holds a valid copyright in Microsoft Access 2000 (including user's reference manuals, user's guides, and screen displays) that was duly and properly registered with the United States Copyright Office. A true and correct copy of the Copyright Registration Certificate for Microsoft Access 2000, bearing number TX 4-905-950, is attached as Exhibit 22 and is incorporated by reference.

b. Microsoft Excel 2000, a program that allows users to create and manage spreadsheets, perform calculations, and store numerical data. Microsoft holds a valid copyright in Microsoft Excel 2000 (including user's reference manuals, user's guides, and screen displays) that was duly and properly registered with the United States Copyright Office. A true and correct copy of the Copyright Registration Certificate for Microsoft Excel 2000, bearing number TX 4-905-949, is attached as Exhibit 23 and is incorporated by reference.

c. Microsoft Outlook 2000, a program that allows users and networked teams to create and manage calendars, tasks, contacts, and email communications.

Microsoft holds a valid copyright in Microsoft Outlook 2000 (including user's reference manuals, user's guides, and screen displays) that was duly and properly registered with the United States Copyright Office. A true and correct copy of the Copyright Registration Certificate for Microsoft Outlook 2000, bearing number TX 4-906-019, is attached as Exhibit 24 and is incorporated by reference.

d. Microsoft PowerPoint 2000, a program that allows users to create, organize and present overhead and slide presentations. Microsoft holds a valid copyright in Microsoft PowerPoint 2000 (including user's reference manuals, user's guides, and screen displays) that was duly and properly registered with the United States Copyright Office. A true and correct copy of the Registration Certificate for Microsoft PowerPoint 2000, bearing number TX 4-905-952, is attached as Exhibit 25 and is incorporated by reference.

e. Microsoft Word 2000, a program that allows users to create and edit reports and documents. Microsoft holds a valid copyright in Microsoft Word 2000 (including user's reference manuals, user's guides, and screen displays) that was duly and properly registered with the United States Copyright Office. A true and correct copy of the Registration Certificate for Microsoft Word 2000, bearing number TX 4-905-951, is attached as Exhibit 26 and is incorporated by reference.

f. Microsoft Publisher 2000, a desktop publishing program that allows users to create, customize, and publish materials such as newsletters, brochures, flyers, catalogs, and websites. Microsoft holds a valid copyright in Microsoft Publisher 2000 (including user's reference manuals, user's guides, and screen displays) that was duly and properly registered with the United States Copyright Office. A true and correct copy of the Copyright Registration Certificate for Microsoft Publisher 2000, bearing number TX 4-905-937, is attached as Exhibit 27 and is incorporated by reference.

21. Microsoft Office 97: Microsoft Office 97 Professional Edition ("Office 97") is a suite of popular Microsoft software programs. Microsoft holds a valid copyright in Office 97 (including user's reference manuals, user's guides, and screen displays) that was duly and properly registered with the United States Copyright Office. A true and correct copy of the Registration Certificate for Microsoft Office 97, bearing number TX 4-395-984, is attached as Exhibit 28 and is incorporated by reference.

22. Microsoft Exchange Server 2003 Enterprise: Microsoft has developed, advertises, markets, distributes and licenses a software package known as Microsoft Exchange Server 2003 Enterprise ("Exchange Server 2003"). Exchange Server 2003 is server software that enables users to send and receive electronic mail and other forms of interactive communications through a computer network. Microsoft holds a valid copyright in Exchange Server 2003 (including user's reference manuals, user's guides, and screen displays) that was duly and properly registered with the United States Copyright Office. A true and correct copy of the Registration Certificate for Microsoft Exchange Server 2003, bearing number TX 5-871-115, is attached as Exhibit 29 and is incorporated by reference.

23. Microsoft SQL Server 2000: Microsoft has developed, advertises, markets, distributes and licenses software packages known as Microsoft SQL Server 2000 Enterprise Edition and Microsoft SQL Server 2000 Standard Edition ("SQL Server 2000"). SQL Server 2000 is data management software that enables users to create and manage enterprise data and analytical applications on multiple platforms. Microsoft holds a valid copyright in SQL Server 2000 (including user's reference manuals, user's guides, and screen displays) that was duly and properly registered with the United States Copyright Office. A true and correct copy of the Registration Certificate for Microsoft SQL Server 2000, bearing number TX 5-195-890, is attached as Exhibit 30 and is incorporated by reference.

24. Microsoft Office FrontPage 2003: Microsoft has developed, advertises, markets, distributes and licenses a software package known as Microsoft Office FrontPage 2003 ("Office FrontPage 2003"). Office FrontPage 2003 is a computer program that allows users to create and manage Internet websites. Microsoft holds a valid copyright in Office FrontPage 2003 (including user's reference manuals, user's guides, and screen displays) that was duly and properly registered with the United States Copyright Office. A true and correct copy of the Copyright Registration Certificate for Microsoft Office FrontPage 2003, bearing number TX 5-837-613, is attached as Exhibit 31 and is incorporated by reference.

25. Microsoft One Note 2003: Microsoft has developed, advertises, markets, distributes and licenses a software package known as Microsoft OneNote 2003 ("One Note 2003"). One Note 2003 is a computer program that enables users to electronically take, organize and use notes on a laptop computer, desktop computer or tablet pc. Microsoft holds a valid copyright in One Note 2003 (including user's reference manuals, user's guides, and screen displays) that was duly and properly registered with the United States Copyright Office. A true and correct copy of the Copyright Registration Certificate for Microsoft One Note 2003, bearing number TX 5-837-620, is attached as Exhibit 32 and is incorporated by reference.

26. Microsoft Project 2003: Microsoft has developed, advertises, markets, distributes and licenses software packages known as Microsoft Project Server 2003 and Microsoft Office Project Professional 2003 (collectively, "Project 2003"). Project 2003 is a suite of Enterprise Project Management software that is designed to assist businesses in managing schedules and resources. Microsoft holds valid copyrights in Project 2003 (including user's reference manuals, user's guides, and screen displays) that were duly and properly registered with the United States Copyright Office. True and correct copies of the Copyright Registration Certificate for Microsoft Project Server 2003 and Microsoft Office

Project Professional 2003, bearing numbers TX 5-837-616 and TX 5-837-615, respectively, are attached as Exhibits 33 and 34, and are incorporated by reference.

27. Microsoft Project 2002: Microsoft has developed, advertises, markets, distributes and licenses software packages known as Microsoft Project Server 2002 and Microsoft Project Professional 2002 (collectively, "Project 2002"). Project 2002 is a suite of Enterprise Project Management software that is designed to assist businesses in managing schedules and resources. Microsoft holds valid copyrights in Project 2002 (including user's reference manuals, user's guides, and screen displays) that were duly and properly registered with the United States Copyright Office. True and correct copies of the Copyright Registration Certificate for Microsoft Project Server 2002 and Microsoft Project Professional 2002, bearing numbers TX 5-581-505 and TX 5-578-198, respectively, are attached as Exhibits 35 and 36, and are incorporated by reference.

28. Microsoft Publisher 2002: Microsoft has developed, advertises, markets, distributes and licenses a software package known as Microsoft Publisher 2002 ("Publisher 2002"). Publisher 2002 is a desktop publishing program that allows users to create, customize, and publish materials such as newsletters, brochures, flyers, catalogs, and websites. Microsoft holds a valid copyright in Publisher 2002 (including user's reference manuals, user's guides, and screen displays) that was duly and properly registered with the United States Copyright Office. A true and correct copy of the Copyright Registration Certificate for Microsoft Publisher 2002, bearing number TX 5-321-424, is attached as Exhibit 37 and is incorporated by reference.

29. Microsoft Visio 2003 Professional: Microsoft has developed, advertises, markets, distributes and licenses a software package known as Microsoft Visio 2003 Professional ("Visio 2003 Pro"). Visio 2003 Pro is a diagramming application that helps business and technical users to document, design, communicate and automate complex ideas, processes and systems. Microsoft holds a valid copyright in Visio 2003 Pro

(including user's reference manuals, user's guides, and screen displays) that was duly and properly registered with the United States Copyright Office. A true and correct copy of the Copyright Registration Certificate for Microsoft Visio 2003 Pro, bearing number TX 5-837-614, is attached as Exhibit 38 and is incorporated by reference.

30. Microsoft Visual Studio .NET Enterprise Architect 2003: Microsoft has developed, advertises, markets, distributes and licenses a software package known as Microsoft Visual Studio .NET Enterprise Architect 2003 ("Visual Studio .NET"). Visual Studio .NET is a suite of developer tools for desktop and team-based Enterprise Web applications. Microsoft holds a valid copyright in Visual Studio .NET (including user's reference manuals, user's guides, and screen displays) that was duly and properly registered with the United States Copyright Office. A true and correct copy of the Copyright Registration Certificate for Microsoft Visual Studio .NET, bearing number TX 5-788-106, is attached as Exhibit 39 and is incorporated by reference.

31. Microsoft Business Contact Manager: Microsoft has developed, advertises, markets, distributes and licenses a software package known as Microsoft Business Contact Manager ("Business Contact Manager"). Business Contact Manager is a computer program that works with Outlook 2003 to manage electronic mail, calendars, contacts and other personal and team information. Microsoft holds a valid copyright in Business Contact Manager (including user's reference manuals, user's guides, and screen displays) that was duly and properly registered with the United States Copyright Office. A true and correct copy of the Copyright Registration Certificate for Microsoft Business Contact Manager, bearing number TX 5-877-513, is attached as Exhibit 40 and is incorporated by reference.

32. Microsoft has also duly and properly registered a number of trademarks and a service mark in the United States Patent and Trademark Office on the Principal Register, including, but not limited to:

- a. "MICROSOFT," Trademark and Service Mark Registration No. 1,200,236 and Renewal, for computer programs and computer programming services;
- b. "MICROSOFT," Trademark Registration No. 1,256,083, for computer hardware and software manuals, newsletters, and computer documentation;
- c. "WINDOWS," Trademark Registration No. 1,872,264, for computer programs and manuals sold as a unit;
- d. WINDOWS FLAG LOGO, Trademark Registration No. 1,816,354, for computers, computer peripherals, and computer programs and manuals sold as a unit;
- e. COLORED WINDOWS LOGO, Trademark Registration No. 1,815,350, for computers, computer peripherals, and computer programs and manuals sold as a unit;
- f. "POWERPOINT," Trademark Registration No. 1,475,795, for pre-recorded computer programs recorded on magnetic disks;
- g. "MICROSOFT ACCESS," Trademark Registration No. 1,741,086, for computer programs for use with databases and manuals sold as a unit;
- h. "BOOKSHELF," Trademark Registration No. 1,592,783, for computers, computer programs and manuals sold as a unit;
- i. PUZZLE PIECE LOGO, Trademark Registration No. 1,982,562, for computer programs and instruction manuals sold as a unit;
- j. COLORED FLAG DESIGN, Trademark Registration No. 2,744,843, for computer software and manuals sold as a unit therewith; and
- k. "OUTLOOK," Trademark Registration No. 2,188,125, for computer programs, specifically programs providing enhanced electronic mail and scheduling capabilities and instructional manuals sold as a unit.

33. True and correct copies of the Trademark Registrations for Paragraphs 32.a. through 32.k. are attached hereto as Exhibits 41 through 51, respectively, and are incorporated by reference.

DEFENDANTS' WRONGFUL CONDUCT

34. Beginning at a time unknown and continuing to at least November 2005, Defendants engaged in the illegal and unlawful business of advertising, distributing and selling counterfeit, tampered and/or infringing computer software and components covered by Microsoft's registered copyrights and bearing Microsoft's registered trademarks or imitations thereof.

35. Defendants have used multiple channels of interstate and foreign commerce to advertise, distribute and sell counterfeit, tampered and/or infringing Microsoft products, including at least two websites and at least three on-line auction accounts. Two of these on-line auction accounts were registered to Defendant Mitchell Ackerman and one was registered to Defendant Lee Ackerman:

a. Beginning at a time unknown and continuing to at least in or about November 2005, Defendants sold counterfeit, tampered and/or infringing Microsoft products on the Internet through a website at www.asoftwaresolutions.com. This website displays a photograph of what purports to be a store with the name "Advanced Software Solutions." However, no such "store" exists. In truth and fact, and as Defendants well knew, the illegal business was operated from the residence of Defendants Mitchell and Lee Ackerman in Jericho, New York, and from a private mailbox rented in Jericho, New York.

b. Beginning at a time unknown and continuing to at least November 2002, Defendants sold counterfeit, tampered and/or infringing Microsoft products through a website at www.advancedcomputersolutions.com. The website included a link that redirected customers to Defendants' website at www.asoftwaresolutions.com.

c. Microsoft is informed and believes that beginning at a time unknown and continuing to at least December 2004, Defendants advertised the sale of Microsoft products that were counterfeit, tampered and/or infringing through eBay, an on-line auction service with offices in San Jose, California. The auctions were posted under the name “wantamansion” and through an account registered to Defendant Mitchell Ackerman.

d. Microsoft is informed and believes that beginning at a time unknown and continuing to at least January 2005, Defendants advertised the sale of Microsoft products that were counterfeit, tampered and/or infringing through eBay. The auctions were posted under the name “megahertz932” and through an account registered to Defendant Mitchell Ackerman.

e. Microsoft is informed and believes that beginning at a time unknown and continuing to at least March 2002, Defendants advertised the sale of Microsoft products that were counterfeit, tampered and/or infringing through eBay. The auctions were posted under the name “passport2002” and through an account registered to Defendant Lee Ackerman.

A. Counterfeit Microsoft Products

36. From in or about May 2002, Microsoft received complaints from individuals who and businesses that contacted Microsoft about software they had purchased from Defendants. Microsoft analyzed much of the software purchased by these third parties and determined that this software included counterfeit and/or infringing software.

37. In an effort to corroborate these third party reports, and in response to other evidence of counterfeiting, Microsoft engaged the services of private investigators who purchased multiple units of purported Microsoft software through Defendants’ website at www.asoftwareolutions.com. The items purchased were then analyzed.

38. Together, the test purchases and software submitted by third parties confirmed that Defendants were trafficking in counterfeit Microsoft software from on or about at least May 31, 2005 up to and including at least November 2005:

a. On or about May 31, 2005, Microsoft received and analyzed a sample of Microsoft Windows XP Professional that had been purchased by a private investigator from Defendants' website at www.asoftwaresolutions.com. That analysis resulted in a finding that the CD-ROM (software), COA Label and Manual were counterfeit.

b. On or about May 31, 2005, Microsoft received and analyzed a sample of Microsoft SQL Server 2000 Standard Edition that had been purchased by a private investigator from Defendants' website at www.asoftwaresolutions.com. That analysis resulted in a finding that the CD-ROM (software) was genuine, but that the accompanying End User License Agreement was counterfeit.

c. On or about July 29, 2005, Microsoft received and analyzed a sample of Microsoft Windows XP Professional that had been voluntarily submitted by an individual in Illinois who contacted Microsoft after purchasing the software from Defendants. That analysis resulted in the finding that the CD-ROM (software), COA Label and Manual were counterfeit.

d. On or about August 4, 2005, Microsoft received and analyzed a sample of Microsoft Windows XP Professional that had been voluntarily submitted by an individual in California who contacted Microsoft after purchasing the software from Defendants. That analysis resulted in the finding that the CD-ROM (software), COA Label and Manual were counterfeit.

e. On or about August 5, 2005, Microsoft received and analyzed five samples of Microsoft Windows XP Professional that had been voluntarily submitted by three unrelated individuals in California who contacted Microsoft after purchasing the

software from Defendants. That analysis resulted in the finding that the CD-ROMs (software), COA Label and Manual were counterfeit.

f. On or about August 10, 2005, Microsoft received and analyzed three samples of Microsoft Windows XP Professional that had been voluntarily submitted by individuals in California, Pennsylvania and Washington who contacted Microsoft after purchasing the software from Defendants. That analysis resulted in the finding that the CD-ROMs (software) and COA Label were counterfeit.

g. On or about August 17, 2005, Microsoft received and analyzed a sample of Microsoft Windows XP Professional that had been voluntarily submitted by an individual in South Carolina who contacted Microsoft after purchasing the software from Defendants. That analysis resulted in the finding that the CD-ROM (software), COA Label and Manual were counterfeit.

h. On or about August 30, 2005, Microsoft received and analyzed two samples of Microsoft Windows XP Professional that had been voluntarily submitted by individuals in Virginia and Florida who contacted Microsoft after purchasing the software from Defendants. That analysis resulted in the finding that the CD-ROMs (software) and COA Label were counterfeit.

i. On or about September 7, 2005, Microsoft received and analyzed three samples of Microsoft Windows XP Professional that had been voluntarily submitted by three unrelated individuals in Arizona and Delaware who contacted Microsoft after purchasing the software from Defendants. That analysis resulted in the finding that the CD-ROMs (software), COA Labels and Manuals were counterfeit.

j. On or about September 13, 2005, Microsoft received and analyzed a sample of Microsoft Windows XP Professional that had been voluntarily submitted by an individual in Arkansas who contacted Microsoft after purchasing the software from

Defendants. That analysis resulted in the finding that the CD-ROM (software), COA Label and Manual were counterfeit.

k. On or about September 28, 2005, Microsoft received and analyzed a sample of Microsoft Windows XP Professional that had been voluntarily submitted by an individual in California who contacted Microsoft after purchasing the software from Defendants. That analysis resulted in the finding that the CD-ROM (software) and COA Label were counterfeit.

l. On or about October 25, 2005, Microsoft received and analyzed a sample of Microsoft Office 2003 Professional that had been purchased by a private investigator from Defendants' website at www.asoftwaresolutions.com. That analysis resulted in a finding that the CD-ROM (software), COA Label and Manual were counterfeit.

m. On or about October 25, 2005, Microsoft received and analyzed a sample of Microsoft Windows XP Professional that had been purchased by a private investigator from Defendants' website at www.asoftwaresolutions.com. That analysis resulted in a finding that the CD-ROM (software), COA Label and Manual were counterfeit.

n. On or about October 27, 2005, Microsoft received and analyzed a sample of Microsoft Office 2003 Professional that had been voluntarily submitted by a business in Wisconsin that contacted Microsoft after purchasing the software from Defendants. That analysis resulted in a finding that the CD-ROM (software), COA Label and Manual were counterfeit.

o. On or about October 27, 2005, Microsoft received and analyzed a sample of Microsoft Windows XP Professional that had been voluntarily submitted by an individual in Wisconsin who contacted Microsoft after purchasing the software from

Defendants. That analysis resulted in a finding that the CD-ROM (software), COA Label and Manual were counterfeit.

p. On or about August 1, 2005, Microsoft analyzed a sample of Microsoft Windows XP Professional that had been voluntarily submitted by an individual in Illinois who contacted Microsoft after purchasing the software from Defendants. That analysis resulted in the finding that the CD-ROM (software), COA Label and Manual were counterfeit.

B. Tampered Microsoft Products

38. The test purchases conducted by Microsoft and the software submitted by third parties to Microsoft also established that Defendants sold genuine Microsoft software that had been tampered with to overcome security features imposed by Microsoft:

a. On or about October 21, 2002, Microsoft received and later analyzed a sample of Microsoft Office 2000 Premium that had been voluntarily submitted by an individual in Rhode Island who contacted Microsoft after purchasing the software from Defendants. That analysis resulted in the finding that the CD-ROM (software) was genuine, but that the CD-ROM had been tampered by the placement of a sticker over the "Not For Resale" warning label printed on the disc.

b. On or about April 1, 2004, Microsoft received and analyzed a sample of Microsoft Office XP Professional that had been purchased by a private investigator from Defendants' website at www.asoftwareolutions.com. That analysis resulted in the finding that the CD-ROM (software) was genuine, but that the accompanying product key (a number listed on the product which enables the user to access the product and then directs the user to a Microsoft registration website) had been tampered with.

C. Mislicensed or Infringing Microsoft Products

39. The test purchases conducted by Microsoft and the software submitted by third parties to Microsoft also established that Defendants were selling genuine Microsoft software that was not for resale, or that Defendants were not licensed or authorized to sell:

a. On or about September 11, 2002, Microsoft received and analyzed a sample of Microsoft Office 2000 Professional that had been purchased by a private investigator from Defendants' website at www.asoftwaresolutions.com. That analysis resulted in the finding that while the CD-ROM (software) was genuine, it was an Original Equipment Manufacturers ("OEM") version that had been sold by Defendants "unbundled," (i.e., sold as an individual component rather than together with the other components as intended to be sold) in violation of Microsoft licensing rights.

b. On or about February 19, 2004, Microsoft received and analyzed a sample of Microsoft Office 2003 Professional that had been purchased by a private investigator from Defendants' website at www.asoftwaresolutions.com. That analysis resulted in the finding that while the CD-ROM (software) was genuine, it was a Not For Resale ("NFR") version that had been sold by Defendants in violation of Microsoft licensing rights.

c. On or about April 1, 2004, Microsoft received and analyzed samples of Microsoft Office XP Professional, Windows 98 Second Edition and Office 97 that had been purchased by a private investigator from Defendants' website at www.asoftwaresolutions.com. That analysis resulted in the finding that while the CD-ROMs (software) were genuine, they were OEM and Full Packaged Product ("FPP") versions that had been sold by Defendants "unbundled," in violation of Microsoft licensing rights.

d. On or about May 31, 2005, Microsoft received and analyzed a sample of Microsoft Office 2003 Professional that had been purchased by a private

investigator from Defendants' website at www.asoftwareolutions.com. That analysis resulted in the finding that while the CD-Rom (software) was genuine, it was a World Wide Fulfillment ("WWF") version that required a volume licensing agreement, which Defendants lacked, and had been sold by Defendants in violation of Microsoft licensing rights.

e. On or about September 9, 2005, Microsoft received and analyzed five samples of Microsoft Windows XP Professional x64 Edition, and Office 97 Professional (four units) that had been purchased by a private investigator from Defendants' website at www.asoftwareolutions.com. That analysis resulted in the finding that while the CD-ROMs (software) were genuine, they were WWF, OEM, FPP and Academic versions that required special licensing agreements, which Defendants lacked, and had been sold by Defendants in violation of Microsoft licensing rights.

f. On or about October 11, 2005, Microsoft analyzed a sample of Microsoft Windows XP Professional x64 Edition that had been purchased by a private investigator from Defendants' website at www.asoftwareolutions.com. That analysis resulted in the finding that while the CD-ROM (software) was genuine, it was a WWF version that required a volume licensing agreement, which Defendants lacked, and had been sold by Defendants in violation of Microsoft licensing rights.

D. Cease and Desist Warnings from Microsoft

40. These illegal practices continued despite the fact that Microsoft has sent multiple written warnings, by letter and electronic communication, in connection with these practices and asking for these practices to cease and desist.

a. On or about May 30, 2002, Microsoft notified Defendants about a report that Defendants were distributing counterfeit or unlicensed software, and warned Defendants about the penalties for copyright and trademark violations.

b. On or about October 31, 2003, Microsoft notified Defendants that they were distributing counterfeit software, warned Defendants about the penalties for copyright and trademark violations, and demanded that Defendants immediately cease and desist from their infringing activities.

c. On or about January 6, 2004, Microsoft notified Defendants that they were distributing counterfeit software, warned Defendants about the penalties for copyright and trademark violations, and demanded that Defendants immediately cease and desist from their infringing activities.

d. On or about January 7, 2005, Microsoft notified Defendants about the illegal distribution of Microsoft Certificates of Authenticity (COA), in violation of federal civil and criminal law.

e. Between in or about March 2002 and December 2004, Microsoft issued at least ten notices to eBay that resulted in the removal or suspension of on-line auctions posted by Defendants.

E. Law Enforcement Involvement

41. Microsoft is informed and believes that on or about July 14, 2005, agents of the United States Customs Service ("Customs Service") seized a shipment of 50 units of Microsoft Windows XP Professional that had entered the country from China. Microsoft is informed and believes that the intended recipient of the shipment was Defendant Mitchell Ackerman, using the alias "Scott Simon," care of a private mailbox maintained by Defendants in Jericho, New York.

42. On or about October 10, 2005, Microsoft was requested by the Customs Service to analyze a sample unit of Windows XP Professional that had been seized on or about July 15, 2005 to determine whether the software was a genuine Microsoft product. The resulting laboratory analysis of this sample unit determined that the CD-ROM (software), COA Label and Manual were counterfeit.

43. On or before November 7, 2005, law enforcement authorities obtained a search warrant from a New York state court and on or about November 7, 2005 executed that warrant at the residence of Defendants Mitchell and Lee Ackerman in Jericho, New York. Microsoft is informed and believes that the search resulted in the seizure and impoundment of approximately 2,569 units of counterfeit, tampered and/or infringing software and components. Microsoft estimates that the seized items had an estimated retail price of approximately \$1,078,772. Additionally, Microsoft is informed and believes that during the execution of the search warrant, it was noticed that the basement of Defendants Mitchell Ackerman and Lee Ackerman's residence had been set up to function as an office, complete with approximately five work stations, a shrink wrap machine, and numerous shipping materials. Counterfeit, tampered, and/or infringing Microsoft software and components intended for sale or resale were found in plain view in this office, and it was clear from labels that at least a portion of such had been shipped from China. Moreover, a significant number of labels that had been cut from original Microsoft packaging were in a garbage can in this office. These discarded labels identified the purpose for which the original Microsoft products were intended.

44. The software seized as a result of the execution of the warrant at the residence of Defendants Mitchell and Lee Ackerman included counterfeit, tampered, and/or infringing versions of some of Microsoft's most popular products, including Windows XP, Windows 2000 Pro, Windows 98, Windows 2003 Server, Windows 2000 Server, Windows NT, Office 2003, Office XP, Office 2000, Office 97, Exchange Server 2003, SQL Server 2000, Office FrontPage 2003, One Note 2003, Project 2003, Project 2002, Publisher 2002, Visio 2003 Pro, Visual Studio .NET, Business Contact Manager, and other software covered by Microsoft's registered copyrights and bearing Microsoft's registered trademarks or imitations thereof. The volume of the materials seized as well as the past actions of the

Defendants, among other things, demonstrate that the Defendants intended to traffic in these items.

45. Also seized from the residence of Defendants Mitchell and Lee Ackerman on or about November 7, 2005 were Microsoft COA Labels, Product Key Labels, End User License Agreements, and other software-related components covered by Microsoft's registered copyrights and bearing Microsoft's registered trademarks or imitations thereof. The volume of the COA Labels seized as well as the past actions of the Defendants, among other things, demonstrate that the Defendants intended to traffic the COA Labels, as well as these other items.

46. On or about November 7, 2005, Defendant Mitchell Ackerman was arrested by agents of the Nassau County District Attorney. Microsoft is informed and believes that Defendant Mitchell Ackerman was charged with two felony counts, including one count of possession of stolen property and one count of trademark counterfeiting, in violation of New York State Penal Law. *See People v. Mitchell Ackerman*, Docket No. 23613 (Nassau County District Court, First District).

47. Defendants' acts were willful and deliberate, and were committed with prior notice and knowledge of Microsoft's copyrights and registered marks. Evidencing an intent to deceive, Defendants' website at www.asoftwaresolutions.com prominently displayed a large number of Microsoft products, and included repeated representations that Defendants sell only "genuine" Microsoft products when, in truth and fact and as Defendants well knew, these representations were false.

48. Evidencing a further intent to deceive, Defendants have held out Advanced Software Solutions as a brick-and-mortar store front and even included a photograph of their purported store on Defendants' website at www.asoftwaresolutions.com when, in truth and fact and as Defendants well knew, the business was operated from the residence of

Defendants Mitchell Ackerman and Lee Ackerman, and from a private mailbox in Jericho, New York.

49. Despite repeated warnings from Microsoft, and despite the November 7, 2005 search of the residence of Defendants Mitchell Ackerman and Lee Ackerman and the arrest of Defendant Mitchell Ackerman, at least as of December 10, 2005 Defendants continued to advertise several Microsoft products on the website at www.asoftwareolutions.com, and continued to represent that they sell only “genuine” Microsoft products. Indeed, under the heading “Featured Products,” Defendants list no less than five Microsoft products: Office XP Professional, Windows XP Professional x64 Edition, Office 2003 Professional, Project 2003 Professional, and Project 2003 Standard. As of that date, the website listed the company president as “Mitch A.” and provided a contact telephone number with a (516) area code, which is the area code for Jericho, New York. It also provided a contact email, among others, of sales@asoftwareolutions.com.

50. Defendants’ wrongful conduct, as herein alleged, has caused and continues to cause significant and irreparable harm to Microsoft. Microsoft brings this action to recover damages for the harm it has sustained, to impose a constructive trust upon Defendants’ illegal profits and assets purchased with those profits, and to obtain injunctive relief prohibiting Defendants’ further violations and infringements.

FIRST CLAIM

[Copyright Infringement – 17 U.S.C. § 501, *et seq.*]

51. Microsoft repeats and incorporates by this reference each and every allegation set forth in paragraphs 1 through 50, inclusive.

52. Microsoft is the sole owner and licensor of Microsoft Windows XP Professional, Windows 2000 Professional, Windows 2000 Server, Windows 98, Office 2003 Professional, Office XP Professional, Office 2000 Professional and other software and components covered by Microsoft’s registered copyrights and bearing Microsoft’s

registered trademarks or imitations thereof, and of all corresponding copyrights and Certificates of Registration.

53. Defendants have infringed the copyrights in Microsoft's software, including, but not limited to Microsoft Windows XP Professional, Windows 2000 Professional, Windows 2000 Server, Windows 98, Office 2003 Professional, Office XP Professional, Office 2000 Professional and other software and components covered by Microsoft's registered copyrights and bearing Microsoft's registered trademarks or imitations thereof, by distributing infringing materials in the United States of America, without approval or authorization from Microsoft.

54. Defendants' conduct has been willful within the meaning of the Copyright Act, 17 U.S.C. § 501 *et seq.* At a minimum, Defendants acted with willful blindness to and in reckless disregard of Microsoft's registered copyrights.

55. As a result of their wrongful conduct, Defendants are liable to Microsoft for copyright infringement. Microsoft has suffered, and will continue to suffer, substantial losses, including, but not limited to, damage to its business reputation and goodwill. Microsoft is entitled to recover damages, which include its losses and all profits Defendants have made as a result of their wrongful conduct, pursuant to 17 U.S.C. § 504(b).

56. Alternatively, Microsoft is entitled to statutory damages pursuant to 17 U.S.C. § 504(c). In addition, because Defendants' infringement has been willful within the meaning of the Copyright Act, the award of statutory damages should be enhanced pursuant to 17 U.S.C. § 504(c)(2).

57. Microsoft is also entitled to injunctive relief pursuant to 17 U.S.C. § 502 and to an order impounding any and all infringing materials pursuant to 17 U.S.C. § 503. Microsoft has no adequate remedy at law for Defendants' wrongful conduct because, among other things, (a) Microsoft's copyrights are unique and valuable property which have no readily determinable market value, (b) Defendants' infringement harms

Microsoft's business reputation and goodwill such that Microsoft could not be made whole by any monetary award, and (c) Defendants' wrongful conduct, and the resulting damage to Microsoft, is continuing.

58. Microsoft is also entitled to recover its attorneys' fees and costs of suit, pursuant to 17 U.S.C. § 505.

SECOND CLAIM

[Trademark Infringement — 15 U.S.C. § 1114, *et seq.*]

59. Microsoft repeats and incorporates by this reference each and every allegation set forth in paragraphs 1 through 58, inclusive.

60. Defendants' activities constitute infringement of Microsoft's federally registered trademarks and service mark in violation of the Lanham Trademark Act, including, but not limited to, 15 U.S.C. § 1114(1).

61. Because Microsoft has marketed, advertised, promoted, distributed, and licensed its software under the trademarks and service mark described in this Complaint, these trademarks and service mark are the means by which Microsoft's software is distinguished from the software and related items of others in the same field or related fields.

62. Because of Microsoft's long, continuous, and exclusive use of these trademarks and service mark, they have come to mean, and are understood by customers, end users, and the public to signify software programs or services of Microsoft.

63. The infringing materials that Defendants have and are continuing to use, offer, advertise, market, install or distribute are likely to cause confusion, mistake, or deception as to their source, origin, or authenticity.

64. Further, Defendants' activities are likely to lead the public to conclude, incorrectly, that the infringing materials that Defendants are using, advertising, installing,

marketing, offering, or distributing originate with or are authorized by Microsoft, to the damage and harm of Microsoft, its licensees, and the public.

65. Defendants used, offered, advertised, marketed, installed, offered or distributed infringing material with the willful and calculated purposes of (a) misleading, deceiving, or confusing customers and the public as to the origin and authenticity of the infringing materials, and (b) trading upon Microsoft's goodwill and business reputation. At a minimum, Defendants acted with willful blindness to and in reckless disregard of Microsoft's registered marks.

66. As a result of their wrongful conduct, Defendants are liable to Microsoft for trademark infringement. Microsoft has suffered, and will continue to suffer, substantial losses, including, but not limited to, damage to its business reputation and goodwill. Microsoft is entitled to recover damages, which include its losses and all profits Defendants have made as a result of their wrongful conduct, pursuant to 15 U.S.C. § 1117(a).

67. In addition, because Defendants' infringement of Microsoft's trademarks and service mark was willful, within the meaning of the Lanham Trademark Act, the award of damages and profits should be trebled pursuant to 15 U.S.C. § 1117(b). Alternatively, the award of statutory damages should be enhanced pursuant to 15 U.S.C. § 1117(c).

68. Microsoft is also entitled to injunctive relief pursuant to 15 U.S.C. § 1116(a) and to an order compelling the impounding of all infringing materials being used, offered, marketed, or distributed by Defendants pursuant to 15 U.S.C. § 1116, subsections (a) and (d)(1)(A), and pursuant to 28 U.S.C. § 1651. Microsoft has no adequate remedy at law for Defendants' wrongful conduct because, among other things, (a) Microsoft's trademarks and service mark are unique and valuable property which have no readily determinable market value, (b) Defendants' infringement constitutes harm to Microsoft's business reputation and goodwill such that Microsoft could not be made whole by any monetary award, (c) if Defendants' wrongful conduct is allowed to continue, the public is likely to become further

confused, mistaken, or deceived as to the source, origin or authenticity of the infringing materials, and (d) Defendants' wrongful conduct, and the resulting damages to Microsoft, is continuing.

69. Microsoft is also entitled to recover its attorneys' fees and costs of suit, pursuant to 15 U.S.C. § 1117.

THIRD CLAIM

[False Designation of Origin, False Description, and False Representation of Microsoft Packaging – 15 U.S.C. § 1125 *et seq.*]

70. Microsoft repeats and incorporates by this reference each and every allegation set forth in paragraphs 1 through 69, inclusive.

71. Because Microsoft advertises, markets, distributes, and licenses its software under the trademarks and service mark described in this Complaint, these trademarks and service mark are the means by which Microsoft's software is distinguished from the software or products of others in the same field or related fields.

72. Because of Microsoft's long, continuous, and exclusive use of these trademarks and service mark, they have come to mean, and are understood by customers, end users, and the public to signify, software or services of Microsoft.

73. Microsoft has designed distinctive and aesthetically pleasing displays, logos, icons, graphic images, and packaging (collectively, "Microsoft visual designs") for its software programs.

74. Defendants' wrongful conduct includes the use, advertising, marketing, offering, or distribution of Microsoft's marks, name, and/or imitation visual designs (specifically displays, logos, icons, graphic designs, and/or packaging) that are virtually indistinguishable from Microsoft visual designs, in connection with their goods and services.

75. Defendants engaged in such wrongful conduct with the willful purpose of (a) misleading, deceiving, or confusing customers and the public as to the origin and

authenticity of the goods and services offered, marketed or distributed in connection with Microsoft's marks, name, and imitation visual designs, and (b) of trading upon Microsoft's goodwill and business reputation. Defendants' conduct constitutes (a) false designation of origin, (b) false or misleading description, and (c) false or misleading representation that the imitation visual designs originate from or are authorized by Microsoft, all in violation of § 43(a) of the Lanham Trademark Act, set forth at 15 U.S.C. §1125(a).

76. Defendants' wrongful conduct is likely to continue unless restrained and enjoined.

77. As a result of Defendants' wrongful conduct, Microsoft has suffered and will continue to suffer damage and losses, including, but not limited to, irreparable injury to its business reputation and goodwill. Microsoft is entitled to injunctive relief and to an order compelling the impounding of all imitation visual designs being used, offered, advertised, marketed, installed or distributed by Defendants. Microsoft has no adequate remedy at law for Defendants' wrongful conduct because, among other things, (a) Microsoft's marks, names, and visual designs are unique and valuable property which have no readily determinable market value, (b) Defendants' advertising, marketing, installation or distribution of imitation visual designs constitutes harm to Microsoft's business reputation and goodwill such that Microsoft could not be made whole by any monetary award, and (c) Defendants' wrongful conduct, and the resulting damage to Microsoft, is continuing.

FOURTH CLAIM

[Trafficking in Counterfeit Labels, Illicit Labels, and Counterfeit Documentation and Packaging – 18 U.S.C. § 2318]

78. Microsoft repeats and incorporates by this reference each and every allegation set forth in paragraphs 1 through 77, inclusive.

79. Microsoft distributes its software with currency-like certificates or labeling components known as Certificates of Authenticity and Certificate of Authenticity Labels.

Microsoft distributes COA Labels with its software to verify that the software is genuine Microsoft software and is not counterfeit or infringing of any copyright.

80. Upon information and belief, Defendants have knowingly trafficked in counterfeit Microsoft COA Labels and counterfeit Microsoft documentation and packaging, by affixing, enclosing, and accompanying Microsoft software and counterfeit Microsoft software with counterfeit COA Labels, documentation and packaging, in violation of 18 U.S.C. § 2318(a).

81. Upon information and belief, Defendants have knowingly trafficked in illicit Microsoft COA Labels, by distributing or intending to distribute genuine Microsoft COA Labels, including certificates, licensing documents, registration cards and similar labeling components, without the software to which such COA Labels were intended to be affixed by Microsoft, in violation of 18 U.S.C. § 2318(a).

82. Defendants' wrongful conduct was committed within the United States and involved the use or intended use of mail or a facility of interstate or foreign commerce.

83. Microsoft is entitled to recover actual damages as well as Defendants' profits pursuant to 18 U.S.C. § 2318(f)(3). Alternatively, Microsoft is entitled to statutory damages pursuant to 18 U.S.C. § 2318(f)(4).

84. Defendants' wrongful conduct is likely to continue unless restrained and enjoined.

85. Microsoft is entitled to injunctive relief pursuant to 18 U.S.C. § 2318(f)(2)(A) and to an order impounding any and all infringing materials pursuant to 18 U.S.C. § 2318(f)(2)(B). Microsoft has no adequate remedy at law for Defendants' wrongful conduct because, among other things, (a) Microsoft's COA Labels are unique and valuable property which have no readily determinable market value, (b) Defendants' infringement harms Microsoft's business reputation and goodwill such that Microsoft could

not be made whole by any monetary award, and (c) Defendants' wrongful conduct, and the resulting damage to Microsoft, is continuing.

86. Microsoft is also entitled to recover its attorneys' fees and costs of suit, pursuant to 18 U.S.C. § 2318(f)(2)(C)(i).

FIFTH CLAIM

[Violation of the New York Deceptive Trade Practices Act – N.Y. Gen. Bus. L. § 349, *et seq.*]

87. Microsoft repeats and incorporates by this reference each and every allegation set forth in paragraphs 1 through 86, inclusive.

88. Defendants' actions constitute unfair, unconscionable and/or deceptive trade practices in the course of their business and in the conduct of trade or commerce, in violation of the New York Deceptive Trade Practices Act, N.Y. Gen. Bus. L. § 349, *et seq.* In that regard, Defendants' actions have caused and will continue to cause a likelihood or probability of confusion or misunderstanding as to the source, affiliation, sponsorship, approval or certification of software and/or components installed, marketed, manufactured, distributed, advertised and/or duplicated by Defendants.

89. Defendants' conduct has caused, and continues to cause, harm to the public. The harm to the public includes Defendants' distribution and sale, to residents of New York and elsewhere, of counterfeit, tampered and/or infringing Microsoft software that is inferior to genuine Microsoft software. Defendants' conduct has caused, and continues to cause, public confusion as to the source, origin and authenticity of Microsoft's goods and services.

90. Defendants' conduct as alleged above has damaged and will continue to damage Microsoft's goodwill and reputation and has resulted in losses to Microsoft and an illicit gain of profit to Defendants in an amount that is unknown at the present time.

91. Microsoft is also entitled to recover its attorneys' fees pursuant to N.Y. Gen. Bus. L. § 349, *et seq.*

SIXTH CLAIM

[New York Common Law Unfair Competition]

92. Microsoft repeats and incorporates by this reference each and every allegation set forth in paragraphs 1 through 91, inclusive.

93. The acts and conduct of Defendants as alleged above in this Complaint constitute unfair competition pursuant to the common law of the State of New York. Defendants engaged in this unfair competition in bad faith.

94. Defendants' conduct has caused, and continues to cause, harm to the public. The harm to the public includes Defendants' distribution and sale, to residents of New York and elsewhere, of counterfeit, tampered and/or infringing Microsoft software that is inferior to genuine Microsoft software. Defendants' conduct has caused, and continues to cause, public confusion as to the source, origin and authenticity of Microsoft's goods and services. These actions are likely to lead the public to conclude, incorrectly, that the counterfeit, tampered or infringing software distributed and sold by Defendants originated with or was authorized by Microsoft, to the damage and harm of Microsoft, its licensees and the public.

95. Defendants' conduct as alleged above has damaged and will continue to damage Microsoft's goodwill and reputation and has resulted in losses to Microsoft and an illicit gain of profit to Defendants in an amount that is unknown at the present time.

SEVENTH CLAIM

[For Imposition of a Constructive Trust upon Illegal Profits]

96. Microsoft repeats and incorporates by this reference each and every allegation set forth in paragraphs 1 through 95, inclusive.

97. Defendants' conduct constitutes deceptive, fraudulent, and wrongful conduct in the nature of passing off the infringing materials as genuine Microsoft software or related components approved or authorized by Microsoft.

98. By virtue of Defendants' wrongful conduct, Defendants have illegally received money and profits that rightfully belong to Microsoft.

99. Microsoft is also entitled, pursuant to 17 U.S.C. § 504, 15 U.S.C. § 1117, and 18 U.S.C. § 2318, to recover any and all profits of Defendants that are attributable to their acts of infringement or violations thereof.

100. Upon information and belief, Defendants hold the illegally received money and profits in the form of bank accounts, real property, and personal property (including motor vehicles) that can be located and traced.

101. Defendants hold the money and profits they have illegally received as constructive trustees for the benefit of Microsoft.

EIGHTH CLAIM

[Unjust Enrichment]

102. Microsoft repeats and incorporates by this reference each and every allegation set forth in paragraphs 1 through 101, inclusive.

103. Defendants have usurped for themselves trade secrets, proprietary information, revenues, and other property rights belonging to Microsoft for the purpose of enhancing the commercial value of Defendants' goods.

104. As a direct and proximate result of their unlawful and improper acts, Defendants have been unjustly enriched and Microsoft has suffered, and will continue to suffer, loss of profits by virtue of Defendants' conduct. The exact amount of unjust profits realized by Defendants and profits lost by Plaintiff Microsoft are presently unknown to it and cannot be readily ascertained without an accounting.

105. Defendants' unlawful advertising, marketing, installing, offering and/or distributing of counterfeit and infringing copies of Microsoft's software and/or related components, and their usurpation of Microsoft's trade secrets, proprietary information, revenues and other property rights belonging to Microsoft, has caused and will continue to

cause irreparable injury to Microsoft unless Defendants are preliminarily and permanently restrained and enjoined from this activity.

NINTH CLAIM

[Accounting]

106. Microsoft repeats and incorporates by this reference each and every allegation as set forth in paragraphs 1 through 105, inclusive.

107. Microsoft is entitled, pursuant to 17 U.S.C. § 504, 15 U.S.C. § 1117, and 18 U.S.C. § 2318, to recover any and all profits of Defendants that are attributable to their acts of infringement or violations thereof.

108. The amount of money due from Defendants to Microsoft is unknown to Microsoft and cannot be ascertained without a detailed accounting by Defendants of the precise number of units of infringing material offered for distribution and distributed by Defendants.

PRAYER FOR RELIEF

WHEREFORE, Microsoft respectfully requests judgment as follows:

1. That the Court enter a judgment against Defendants that they have:
 - a. willfully infringed Microsoft's rights in the following federally registered copyrights in violation of 17 U.S.C. § 501:
 - (1) TX 5-407-055 ("Windows XP Professional");
 - (2) TX 5-036-267 ("Windows 2000 Professional");
 - (3) TX 4-687-920 ("Windows 98");
 - (4) TX 5-811-026 ("Windows 2003 Server");
 - (5) TX 5-036-268 ("Windows 2000 Server");
 - (6) TX 4-395-740 ("Windows NT Workstation 4.0");
 - (7) TX 5-837-617 ("Office 2003 Professional");
 - (8) TX 5-872-225 ("Office Access 2003");

- (9) TX 5-837-636 ("Office Excel 2003");
- (10) TX 5-900-087 ("Office Outlook 2003");
- (11) TX 5-852-649 ("Office PowerPoint 2003");
- (12) TX 5-900-088 ("Office Word 2003");
- (13) TX 5-837-618 ("Office Publisher 2003");
- (14) TX 5-329-272 ("Office XP Professional");
- (15) TX 5-321-421 ("Access 2002");
- (16) TX 5-318-231 ("Excel 2002");
- (17) TX 5-321-422 ("Outlook 2002");
- (18) TX 5-318-232 ("PowerPoint 2002");
- (19) TX 5-321-425 ("Word 2002");
- (20) TX 5-321-423 ("FrontPage 2002");
- (21) TX 4-905-936 ("Office 2000 Professional");
- (22) TX 4-905-950 ("Access 2000");
- (23) TX 4-905-949 ("Excel 2000");
- (24) TX 4-906-019 ("Outlook 2000");
- (25) TX 4-905-952 ("PowerPoint 2000");
- (26) TX 4-905-951 ("Word 2000");
- (27) TX 4-905-937 ("Publisher 2000");
- (28) TX 4-395-984 ("Office 97 Professional");
- (29) TX 5-871-115 ("Exchange Server 2003 Enterprise");
- (30) TX 5-195-890 ("SQL Server 2000");
- (31) TX 5-837-613 ("Office FrontPage 2003");
- (32) TX 5-837-620 ("One Note 2003");
- (33) TX 5-837-616 ("Project Server 2003");
- (34) TX 5-837-615 ("Office Project Professional 2003");

- (35) TX 5-581-505 ("Project Server 2002");
- (36) TX 5-578-198 ("Project Professional 2002");
- (37) TX 5-321-424 ("Publisher 2002");
- (38) TX 5-837-614 ("Visio 2003 Professional");
- (39) TX 5-788-106 ("Visual Studio .NET Enterprise Architect 2003");
- (40) TX 5-877-513 ("Business Contact Manager");
- (41) And any other items or works now or hereafter protected by any Microsoft copyright;

b. willfully infringed Microsoft's rights in the following federally registered trademarks and service mark in violation of 15 U.S.C. § 1114:

- (1) 1,200,236 ("MICROSOFT");
- (2) 1,256,083 ("MICROSOFT");
- (3) 1,872,264 ("WINDOWS");
- (4) 1,816,354 (WINDOWS FLAG LOGO);
- (5) 1,815,350 (COLORED WINDOWS LOGO);
- (6) 1,475,795 ("POWERPOINT");
- (7) 1,741,086 ("MICROSOFT ACCESS");
- (8) 1,592,783 ("BOOKSHELF");
- (9) 1,982,562 (PUZZLE PIECE LOGO);
- (10) 2,744,843 (COLORED FLAG DESIGN);
- (11) 2,188, 125 ("OUTLOOK"); and
- (12) And any other items or works now or hereafter protected by any Microsoft trademark;

c. committed and are committing acts of false designation of origin, false or misleading description of fact, and false or misleading representation against Microsoft, in violation of 15 U.S.C. § 1125(a);

d. knowingly trafficked in counterfeit Microsoft COA Labels, documentation, and packaging in violation of 18 U.S.C. § 2318;

e. engaged in unfair and deceptive trade practices and unfair methods of competition in violation of the New York Deceptive Trade Practices Act, N.Y. Gen. Bus. L. § 349, *et seq.* and New York common law; and

f. otherwise injured the business reputation and business of Microsoft by the acts and conduct set forth in this Complaint.

2. That the Court issue injunctive relief against Defendants, and that Defendants, their officers, agents, representatives, servants, employees, attorneys, successors and assigns, and all others in active concert or participation with Defendants, be enjoined and restrained from:

a. imitating, copying, or making any other infringing use or infringing distribution of the software and/or materials now or hereafter protected by the following copyright Certificates Registration Nos.:

- (1) TX 5-407-055 ("Windows XP Professional");
- (2) TX 5-036-267 ("Windows 2000 Professional");
- (3) TX 4-687-920 ("Windows 98");
- (4) TX 5-811-026 ("Windows 2003 Server");
- (5) TX 5-036-268 ("Windows 2000 Server");
- (6) TX 4-395-740 ("Windows NT Workstation 4.0");
- (7) TX 5-837-617 ("Office 2003 Professional");
- (8) TX 5-872-225 ("Office Access 2003");
- (9) TX 5-837-636 ("Office Excel 2003");

- (10) TX 5-900-087 ("Office Outlook 2003");
- (11) TX 5-852-649 ("Office PowerPoint 2003");
- (12) TX 5-900-088 ("Office Word 2003");
- (13) TX 5-837-618 ("Office Publisher 2003");
- (14) TX 5-329-272 ("Office XP Professional");
- (15) TX 5-321-421 ("Access 2002");
- (16) TX 5-318-231 ("Excel 2002");
- (17) TX 5-321-422 ("Outlook 2002");
- (18) TX 5-318-232 ("PowerPoint 2002");
- (19) TX 5-321-425 ("Word 2002");
- (20) TX 5-321-423 ("FrontPage 2002");
- (21) TX 4-905-936 ("Office 2000 Professional");
- (22) TX 4-905-950 ("Access 2000");
- (23) TX 4-905-949 ("Excel 2000");
- (24) TX 4-906-019 ("Outlook 2000");
- (25) TX 4-905-952 ("PowerPoint 2000");
- (26) TX 4-905-951 ("Word 2000");
- (27) TX 4-905-937 ("Publisher 2000");
- (28) TX 4-395-984 ("Office 97 Professional");
- (29) TX 5-871-115 ("Exchange Server 2003 Enterprise");
- (30) TX 5-195-890 ("SQL Server 2000");
- (31) TX 5-837-613 ("Office FrontPage 2003");
- (32) TX 5-837-620 ("One Note 2003");
- (33) TX 5-837-616 ("Project Server 2003");
- (34) TX 5-837-615 ("Office Project Professional 2003");
- (35) TX 5-581-505 ("Project Server 2002");

- (36) TX 5-578-198 ("Project Professional 2002");
- (37) TX 5-321-424 ("Publisher 2002");
- (38) TX 5-837-614 ("Visio 2003 Professional");
- (39) TX 5-788-106 ("Visual Studio .NET Enterprise Architect 2003");
- (40) TX 5-877-513 ("Business Contact Manager"); and
- (41) And any other items or works now or hereafter protected by any Microsoft copyright;

b. imitating, copying, or making any other infringing use or infringing distribution of the software and/or materials now or hereafter protected by the Microsoft's registered trademarks and service mark, including, but not limited to, the following Trademark Registration Nos.:

- (1) 1,200,236 ("MICROSOFT");
- (2) 1,256,083 ("MICROSOFT");
- (3) 1,872,264 ("WINDOWS");
- (4) 1,816,354 (WINDOWS FLAG LOGO);
- (5) 1,815,350 (COLORED WINDOWS LOGO);
- (6) 1,475,795 ("POWERPOINT");
- (7) 1,741,086 ("MICROSOFT ACCESS");
- (8) 1,592,783 ("BOOKSHELF");
- (9) 1,982,562 (PUZZLE PIECE LOGO);
- (10) 2,744,843 (COLORED FLAG DESIGN);
- (11) 2,188, 125 ("OUTLOOK"); and
- (12) And any other items or works now or hereafter protected by any Microsoft trademark;

c. manufacturing, assembling, producing, distributing, offering for distribution, circulating, selling, offering for sale, advertising, importing, promoting, or displaying any software, component, or thing bearing any simulation, reproduction, counterfeit, copy, or colorable imitation of any of Microsoft's registered Trademarks, Service Mark or Copyright Registration Numbers, including, but not limited to, those listed in Sections 2.a and 2.b above;

d. using any simulation, reproduction, counterfeit, copy, or colorable imitation of Microsoft's registered Trademarks, Service Mark, or Copyright Registration Numbers including, but not limited to, those listed in Sections 2.a and 2.b above, in connection with the manufacture, assembly, production, distribution, offering for distribution, circulation, sale, offering for sale, import, advertisement, promotion, or display of any software program, component, and/or item not authorized or licensed by Microsoft;

e. using any false designation of origin or false or misleading description or false or misleading representation that can or is likely to lead the trade or public erroneously to believe that any software program, component, or item has been manufactured, assembled, produced, distributed, offered for distribution, circulated, sold, offered for sale, imported, advertised, promoted, displayed, licensed, sponsored, approved, or authorized by or for Microsoft, when such is not true in fact;

f. using reproductions, counterfeits, copies or colorable imitations of Microsoft's copyrighted and trademark protected software and other materials in the distribution, offering for distribution, circulating, sale, offering for sale, advertising, importing, promoting, or displaying of any merchandise not authorized or licensed by Microsoft;

g. using the names, logos, or other variations thereof of any of Microsoft's copyright and/or trademark-protected software in any of the Defendants' trade or corporate names;

h. engaging in any other activity constituting an infringement of any of Microsoft's trademarks, service mark and/or copyrights, or of Microsoft's rights in, or right to use or to exploit, these trademarks, service mark, and/or copyrights;

i. trafficking, distributing or intending to distribute any counterfeit or illicit Microsoft Certificates of Authenticity or Certificate of Authenticity Labels, or any Microsoft documentation or packaging; and

j. assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities referred to in subparagraphs a through i above.

3. That the Court enter an order of impoundment pursuant to 15 U.S.C. § 1116(a)(d)(1)(A), 17 U.S.C. §§ 503 and 509(a), 18 U.S.C. § 2318(f)(2)(B) and 28 U.S.C. § 1651(a) impounding all counterfeit and infringing copies of purported Microsoft software and/or materials bearing any of Microsoft's trademarks or service marks, counterfeit or illicit Microsoft Certificates of Authenticity or Certificate of Authenticity Labels, or any Microsoft documentation or packaging, and any related items, including business records, that are in Defendants' possession or under their control;

4. That the Court enter an order declaring that Defendants hold in trust, as constructive trustees for the benefit of Microsoft, their illegal profits obtained from their distribution of counterfeit and infringing copies of Microsoft's software and/or materials;

5. That the Court enter an order requiring Defendants to provide Microsoft a full and complete accounting of all profits obtained from their marketing or distribution of counterfeit and infringing copies of Microsoft's software and/or materials, and of any other amounts due and owing to Microsoft as a result of Defendants' illegal activities;

6. That the Court order Defendants to pay Microsoft's general, special, actual, and statutory damages as follows:

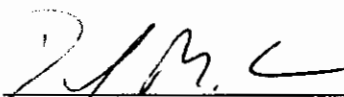
- a. Microsoft's damages and Defendants' profits pursuant to 17 U.S.C. § 504(b) or, alternatively, enhanced statutory damages pursuant to 17 U.S.C. § 504(c) and 17 U.S.C. § 504(c)(2), for Defendants' willful infringement of Microsoft's copyrights;
- b. Microsoft's damages and Defendants' profits pursuant to 15 U.S.C. § 1117(a), trebled pursuant to 15 U.S.C. § 1117(b) for Defendants' willful violation of Microsoft's registered trademarks and service mark, or in the alternative, statutory damages pursuant to 15 U.S.C. § 1117(c) for each counterfeit mark;
- c. Microsoft's damages and Defendants' profits pursuant to 18 U.S.C. § 2318(f)(3), or in the alternative, statutory damages pursuant to 18 U.S.C. § 2318(f)(4); and
- d. Microsoft's damages and Defendants profits pursuant to N.Y. Gen. Bus. L. § 349, *et seq.* and New York common law.

7. That the Court order Defendants to pay to Microsoft both the costs of this action and the reasonable attorneys' fees incurred by Microsoft in prosecuting this action; and

8. That the Court grant to Microsoft such other and additional relief as is just and proper.

DATED: New York, New York
December 13, 2005

LANGLER, SIFFERT & WOHL LLP

By: 
Daniel M. Gitner (DG-3430)
Lee Renzin (LR-7732)

500 Fifth Avenue
New York, New York 10110
(212) 921-8399
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YARMUTH WILSDON CALFO PLLC
Scott T. Wilsdon (*pro hac vice pending*)
Michelle Peterson (*pro hac vice pending*)
925 Fourth Avenue, Suite 2500
Seattle, Washington 98104
(206) 516-3800
(206) 516-3888 (fax)
wilsdon@yarmuth.com
mpeterson@yarmuth.com

Counsel for Plaintiff Microsoft Corporation

EXHIBIT 1

CERTIFICATE OF REGISTRATION



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters
REGISTER OF COPYRIGHTS
United States of America

FORM TX

For a Nondramatic Literary Work
UNITED STATES COPYRIGHT OFFICE

TX 5-407-055



EFFECTIVE DATE OF REGISTRATION

Nov. 6, 2001
Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

TITLE OF THIS WORK ▼

Microsoft Windows XP Professional

PREVIOUS OR ALTERNATIVE TITLES ▼

PUBLICATION AS A CONTRIBUTION If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work ▼

If published in a periodical or serial give: Volume ▼ Number ▼ Issue Date ▼ On Pages ▼

NAME OF AUTHOR ▼

Microsoft Corporation

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?

☒ Yes☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR Citizen of ▼

Domiciled in ▼

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☒ NoPseudonymous? ☐ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

Entire work - computer software program, documentation & text on product packaging

NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?

☐ Yes☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR Citizen of ▼

Domiciled in ▼

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☐ NoPseudonymous? ☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?

☐ Yes☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR Citizen of ▼

Domiciled in ▼

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☐ NoPseudonymous? ☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED

2001

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

This information must be given ONLY if this work has been published.

Month 10

Day 25

Year 2001

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼

Microsoft Corporation
Law and Corporate Affairs
One Microsoft Way
Redmond, WA 98052

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

APPLICATION RECEIVED

NOV 06 2001

ONE DEPOSIT RECEIVED

TWO DEPOSITS RECEIVED

NOV 06 2001

FUNDS RECEIVED

MORE ON BACK ▼

• Complete all applicable spaces (numbers 5-9) on the reverse side of this page.
• See detailed instructions. • Sign the form at line 9.

DO NOT WRITE HERE

Page 1 of 2 pages

EXAMINED BY TM's FORM TX

CHECKED BY

☐ CORRESPONDENCE
YesFOR
COPYRIGHT
OFFICE
USE
ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☒ Yes ☐ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.)a. ☐ This is the first published edition of a work previously registered in unpublished form.b. ☐ This is the first application submitted by this author as copyright claimant.c. ☒ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number

Year of Registration

TX 5-038-267

2000

DERIVATIVE WORK OR COMPILATION

Preexisting Material Identify any preexisting work or works that this work is based on or incorporates.

a. Previous version & files copyrighted by various third parties

b. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed.
Additional programming text, additional written text, and editorial revisions

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

Name

Account Number

Microsoft Corporation

DAO63819

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt./City/State/ZIP

b. Microsoft Corporation, ATTN: Judy Weston
One Microsoft Way
Redmond, WA 98052

Area code and daytime telephone number (425) 936-9104

Fax number (425) 936-7329

Email judywe@microsoft.com

CERTIFICATION I, the undersigned, hereby certify that I am the

Check only one

☐ author☐ other copyright claimant☐ owner of exclusive right(s)☒ authorized agent of Microsoft Corporation

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Name of author or other copyright claimant, or owner of exclusive right(s)

Typed or printed name and date If this application gives a date of publication in space 3, do not sign and submit it before that date.

Judy K.K. Weston

Date November 5, 2001

Handwritten signature (00)

The filing fee of \$20.00 is effective through June 30, 1999. After that date, please visit the Copyright Office, check the Copyright Office Website at <http://www.loc.gov/copyright>, or call (202) 707-9000 for the latest fee information.Mail
certificate
to:Certificate
will be
mailed in
window
envelopeName Microsoft Corporation, ATTN: Judy Weston
Law and Corporate Affairs
Number/Street/Apt. One Microsoft Way
City/State/ZIP Redmond, WA 98052

YOU MUST

• Complete all necessary spaces

• Sign your application in space 6

SEND ALL MATERIALS

IN THE SAME PACKAGE

1. Application form

2. Nonrefundable filing fee in check or money order

payable to Register of Copyrights

3. Deposit material

MAIL TO:

Library of Congress

Copyright Office

101 Independence Avenue, S.E.

Washington, D.C. 20559-6000

*17 U.S.C. § 506(a): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.

December 1998—55,000

PRINTED ON RECYCLED PAPER

U.S. GOVERNMENT PRINTING OFFICE: 1998-454-879/80,050

EXHIBIT 2

CERTIFICATE OF REGISTRATION



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

REGISTER OF COPYRIGHTS

FORM TX

For a Non-dramatic Literary Work
UNITED STATES COPYRIGHT OFFICE

TX 5-035-257



EFFECTIVE DATE OF REGISTRATION

2 17 00

Month Day Year

Margybeth Peters

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1

TITLE OF THIS WORK

Microsoft Windows 2000 Professional

PREVIOUS OR ALTERNATIVE TITLES

Microsoft Windows NT Workstation

PUBLICATION AS A CONTRIBUTION If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work

If published in a periodical or serial give: Volume

Number

First Date

On Pages

2

a NAME OF AUTHOR
Microsoft CorporationDATES OF BIRTH AND DEATH
Year Born Year Died

Was this contribution to the work a "work made for hire"?

☒ Yes

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR

Citizen of

OR

Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous?

☐ Yes☒ No

Pseudonymous?

☐ Yes☒ No

NOTE

Under the term "work made for hire" is generally the employee, not the employer (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, plus the employer (or other person for whom the work was prepared) as "author" of that part, and leave the space for dates of birth and death blank.

NATURE OF AUTHORSHIP Briefly describe the nature of material created by this author in which copyright is claimed.

Entire work - computer software program, documentation & text on product packaging

b NAME OF AUTHOR

DATES OF BIRTH AND DEATH
Year Born Year Died

Was this contribution to the work a "work made for hire"?

☐ Yes☒ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR

Citizen of

OR

Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous?

☐ Yes☒ No

Pseudonymous?

☐ Yes☒ No

NATURE OF AUTHORSHIP Briefly describe the nature of material created by this author in which copyright is claimed.

c NAME OF AUTHOR

DATES OF BIRTH AND DEATH
Year Born Year Died

Was this contribution to the work a "work made for hire"?

☐ Yes☒ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR

Citizen of

OR

Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous?

☐ Yes☒ No

Pseudonymous?

☐ Yes☒ No

NATURE OF AUTHORSHIP Briefly describe the nature of material created by this author in which copyright is claimed.

3

a YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED
2000

b DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Complete this information only if the work is first published. Country Year

USA 17 2000

4

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2.

Microsoft Corporation
Law and Corporate Affairs
One Microsoft Way
Redmond, WA 98052

APPLICATION RECEIVED

FEB 17 2000

ONE DEPOSIT RECEIVED

TWO DEPOSITS RECEIVED

FEB 17 2000

FUND RECEIVED

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright.

MORE ON BACK

• Completely fill applicable spaces (numbers 1-4) on the reverse side of this page.
• Some detailed instructions. • Start new form at first 1.

DO NOT WRITE HERE
Page 1 of 1 page

U.S. GOVERNMENT PRINTING OFFICE: 1964-154-176-2060

EXHIBIT 3

CERTIFICATE OF REGISTRATION



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

REGISTER OF COPYRIGHTS
United States of America

FORM TX

For a Nondramatic Literary Work
UNITED STATES COPYRIGHT OFFICE

TX 4-687-920



EFFECTIVE DATE OF REGISTRATION

JUL 01 1998

Month Day Year

DO NOT WRITE ABOVE THIS LINE: IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1

TITLE OF THIS WORK

Microsoft Windows 98

PREVIOUS OR ALTERNATIVE TITLES

PUBLICATION AS A CONTRIBUTION If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work

If published in a periodical or serial give: Volume Number Issue Date On Pages

2

NAME OF AUTHOR

a Microsoft Corporation

DATES OF BIRTH AND DEATH
Year Born Year Died

Was this contribution to the work a "work made for hire?"

☒ Yes
☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR Citizen of Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☒ No
Pseudonymous? ☐ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

NOTE

Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. Entire work-computer software program, documentation, text on product packaging.

NAME OF AUTHOR

b

DATES OF BIRTH AND DEATH
Year Born Year Died

Was this contribution to the work a "work made for hire?"

☐ Yes
☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR Citizen of Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☐ No
Pseudonymous? ☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed.

NAME OF AUTHOR

c

DATES OF BIRTH AND DEATH
Year Born Year Died

Was this contribution to the work a "work made for hire?"

☐ Yes
☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR Citizen of Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☐ No
Pseudonymous? ☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed.

3

YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED
1998

This information must be given in all cases.

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK
Month Day Year 1998

Complete this information ONLY if this work has been published.

U.S.A.

Nation

4

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. Microsoft Corporation
Law and Corporate Affairs
One Microsoft Way
Redmond, WA 98052

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright.

APPLICATION RECEIVED

ONE DEPOSIT RECEIVED

TWO DEPOSITS RECEIVED

JUL 01 1998

FUNDS RECEIVED

MORE ON BACK

• Complete all applicable spaces (numbers 5-8) on the reverse side of this page.
• See detailed instructions.
• Sign the form at line 8.

DO NOT WRITE HERE
Page 1 of 2 pages

WINDOWS 98; PG. 2 OF 2

EXAMINED BY	TMS	FORM TX
CHECKED BY		
<input type="checkbox"/> CORRESPONDENCE		FOR
<input type="checkbox"/> Yes		COPYRIGHT
		OFFICE
		USE
		ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☒ Yes ☐ No If your answer is "Yes," why is another registration being sought? (Check appropriate box) ☐ a ☐ b ☐ ca. ☐ This is the first published edition of a work previously registered in unpublished form.b. ☐ This is the first application submitted by this author as copyright claimant.c. ☒ This is a changed version of the work, as shown by space 6 on this application.If your answer is "Yes," give Previous Registration Number Year of Registration

TX 649-511

1995

DERIVATIVE WORK OR COMPILATION

Recreating Material Identify any preexisting work or works that this work is based on or incorporates. a. Previous version and files copyrighted by various third parties.b. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. Additional written text, additional programming text and editorial revisions.

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

a. Microsoft Corporation DA063819CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/ZIP b. Microsoft Corporation, Attn: Judy Weston
 One Microsoft Way
 Redmond, WA 98052Area code and daytime telephone number (425) 936-9104Fax number (425) 936-4112Email judywe@microsoft.com

CERTIFICATION* I, the undersigned, hereby certify that I am the

Check only one ☐☐ author☐ other copyright claimant☐ owner of exclusive right(s)☒ Authorized agent of

Microsoft Corporation

Name of author or other copyright claimant, or owner of exclusive right(s)

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date If this application gives a date of publication in space 3, do not sign and submit it before that date. Judy K.K. WestonDate June 23, 1998Handwritten signature (X) The filing fee of \$20.00 is effective through December 31, 1998. After that date, visit the Copyright Office Website at <http://www.copyright.gov> or call (202) 755-5700 for the latest fee information.

Mail certificate to:

Certificate will be mailed in window envelope

Name <input type="text"/>	Microsoft Corporation
Number/Street/Apt <input type="text"/>	Law and Corporate Affairs
City/State/ZIP <input type="text"/>	One Microsoft Way
	Redmond, WA 98052

YOU MUST

• Complete all necessary steps

• Sign your application in space 8

• Send all payments to the Copyright Office

1. Application form

2. Non-refundable filing fee in check or money order payable to Copyright Office

3. Deposit material

4. Fee

Library of Congress Copyright Office

101 Independence Avenue, S.E.

Washington, D.C. 20540-4070

*17 U.S.C. § 506(a): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 408, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.

September 1997-300,005 PRINTED ON RECYCLED PAPER

U.S. GOVERNMENT PRINTING OFFICE: 1997-417750-60,022

EXHIBIT 4

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

Register of Copyrights, United States of America

FORM TX

For a Nondramatic Literary Work
UNITED STATES COPYRIGHT OFFICE

R TX 5-811-026



EFFECTIVE DATE OF REGISTRATION

10 2 03
Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1 TITLE OF THIS WORK ▼

Microsoft Windows Server 2003 Enterprise Edition

PREVIOUS OR ALTERNATIVE TITLES ▼

PUBLICATION AS A CONTRIBUTION If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work ▼

If published in a periodical or serial give: Volume ▼ Number ▼ Issue Date ▼ On Pages ▼

2 a NAME OF AUTHOR ▼

Microsoft Corporation

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?
☒ Yes
☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR Citizen of ▼
Domiciled in ▼

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☒ No
Pseudonymous? ☐ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

NOTE

Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼
Entire work - computer software program, documentation & text on product packaging

NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?
☐ Yes
☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR Citizen of ▼
Domiciled in ▼

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☐ No
Pseudonymous? ☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?
☐ Yes
☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR Citizen of ▼
Domiciled in ▼

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☐ No
Pseudonymous? ☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

3 a YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED

2003

This information must be given Year in all cases.

b DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Complete this information ONLY if this work has been published.

Month: April Day: 24 Year: 2003

U.S.A.

Nation

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼

Microsoft Corporation
Law and Corporate Affairs
One Microsoft Way
Redmond, WA 98052

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

APPLICATION RECEIVED

ONE DEPOSIT RECEIVED

TWO DEPOSITS RECEIVED

ONE DEPOSIT RECEIVED

See instructions before completing this space.

MORE ON BACK ▶

- Complete all applicable spaces (numbers 5-8) on the reverse side of this page.
- See detailed instructions.
- Sign the form at line 8.

DO NOT WRITE HERE

Page 1 of 2 pages

EXAMINED BY *he* FORM TX

CHECKED BY

☐ CORRESPONDENCE
YesFOR
COPYRIGHT
OFFICE
USE
ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☒ Yes ☐ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.)a. ☐ This is the first published edition of a work previously registered in unpublished form.b. ☐ This is the first application submitted by this author as copyright claimant.c. ☐ This is a changed version of the work, as shown by space 6 on this application.If your answer is "Yes" give: Previous Registration Number: TX-5-038-268 Year of Registration: 2000

DERIVATIVE WORK OR COMPILATION

Preexisting Material Identify any preexisting work or works that this work is based on or incorporates.

a. Previous version & files copyrighted by various third partiesb. Material Added to This Work. Give a brief, general statement of the material that has been added to this work and in which copyright is claimed.
Additional programming text, additional written text, and editorial revisions

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

a. Microsoft Corporation DAO63819

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt./City/State/ZIP

b. Microsoft Corporation, ATTN: Judy Weston
One Microsoft Way
Redmond, WA 98052Any cable and daytime telephone number: (425) 706-9104Fax number: (425) 936-7429Email: judywe@microsoft.com

CERTIFICATION: I, the undersigned, hereby certify that I am the

Check only one →

☐ author☐ other copyright claimant☐ owner of exclusive right(s)☒ authorized agent of Microsoft Corporation

Name of author or other copyright claimant, or owner of exclusive right(s)

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date If this application gives a date of publication in space 3, do not sign and submit it before that date.

Judy K.K. Weston

Date: _____

Handwritten signature (X) *Judy Weston*

The filing fee of \$20.00 is effective through June 30, 1999. After that date, the Copyright Office will charge a fee of \$30.00 for the law of fee information.

Mail
certificates
to:Name Microsoft Corporation, ATTN: Judy Weston
Law and Corporate AffairsNumber/Street/Apt. One Microsoft WayCity/State/ZIP Redmond, WA 98052Certificate
will be
mailed in
window
envelope9
1. Application fee
2. Non-refundable filing fee in check or money order payable to Register of Copyrights
3. Deposit envelope
4. Payment to:
Library of Congress
Copyright Office
101 Independence Avenue, S.E.
Washington, D.C. 20540-400917 U.S.C. § 506(a): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 408, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.
December 1998—\$5,000
PRINTED ON RECYCLED PAPER
U.S. GOVERNMENT PRINTING OFFICE: 1998-454-879/30,050

EXHIBIT 5

CERTIFICATE OF REGISTRATION



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters
REGISTER OF COPYRIGHTS
United States of America

FORM TX

For a Nondramatic Literary Work
UNITED STATES COPYRIGHT OFFICE

R'

TX 5-036-268



EFFECTIVE DATE OF REGISTRATION

2 17 00
Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

TITLE OF THIS WORK ▼

Microsoft Windows 2000 Advanced Server

PREVIOUS OR ALTERNATIVE TITLES ▼

Microsoft Windows NT Server

PUBLICATION AS A CONTRIBUTION If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work ▼

If published in a periodical or serial give: Volume ▼

Number ▼

Issue Date ▼

On Pages ▼

NAME OF AUTHOR ▼

Microsoft Corporation

DATES OF BIRTH AND DEATH

Year Born ▼

Year Died ▼

Was this contribution to the work a "work made for hire"?
☒ Yes
☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR { Citizen of ▼
Domiciled in ▼

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☒ No

Pseudonymous? ☐ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

Entire work - computer software program, documentation & text on product packaging

NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH

Year Born ▼

Year Died ▼

Was this contribution to the work a "work made for hire"?
☐ Yes
☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR { Citizen of ▼
Domiciled in ▼

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☐ No

Pseudonymous? ☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH

Year Born ▼

Year Died ▼

Was this contribution to the work a "work made for hire"?
☐ Yes
☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR { Citizen of ▼
Domiciled in ▼

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☐ No

Pseudonymous? ☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED

2000

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Month: February Day: 17 Year: 2000

U.S.A.

Nation

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼

Microsoft Corporation
Law and Corporate Affairs
One Microsoft Way
Redmond, WA 98052

APPLICATION RECEIVED

ONE DEPOSIT RECEIVED

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

MORE ON BACK ▶

• Complete all applicable spaces (numbers 5-8) on the reverse side of this page.
• See detailed instructions. • Sign the form at the 8.

DO NOT WRITE HERE
Page 1 of 2 pages

NOTE

Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

See instructions before completing this space.

EXAMINED BY <u> </u>	FORM TX
CHECKED BY <u> </u>	
<input type="checkbox"/> CORRESPONDENCE	FOR
Yes	COPYRIGHT
	OFFICE
	USE
	ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☒ Yes ☐ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.) ▼a. ☐ This is the first published edition of a work previously registered in unpublished form.b. ☐ This is the first application submitted by this author as copyright claimant.c. ☒ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number ▼

TX 4-395-758

Year of Registration ▼

1997

DERIVATIVE WORK OR COMPILATION

Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ▼

a. Previous version & files copyrighted by various third parties

b. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

Additional programming text, additional written text, and editorial revisions

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

Name ▼

a. Microsoft Corporation

DAO63819

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/ZIP ▼

b. Microsoft Corporation, ATTN: Judy Weston

One Microsoft Way

Redmond, WA 98052

Area code and daytime telephone number ▶ (425) 936-9104

Fax number ▶ (425) 936-4112

Email ▶ judywe@microsoft.com

CERTIFICATION* I, the undersigned, hereby certify that I am the

Check only one ▶

☐ author☐ other copyright claimant☐ owner of exclusive right(s)☒ authorized agent of Microsoft Corporation

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Name of author or other copyright claimant, or owner of exclusive right(s) ▲

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date.

Judy K.K. Weston

Date ▶ February 16, 2000

Handwritten signature (X) ▼

The filing fee of \$20.00 is effective through June 30, 1999. After that date, please visit the Copyright Office, check the Copyright Office Website at <http://www.loc.gov/copyright>, or call (202) 707-9000 for the latest fee information.

Mail certificate to:

Certificate will be mailed in window envelope

Name ▼	Microsoft Corporation, ATTN: Judy Weston Law and Corporate Affairs
Number/Street/Apt ▼	One Microsoft Way
City/State/ZIP ▼	Redmond, WA 98052

NOTES

• Complete all necessary spaces

• Sign your application in space 8

• If you are a foreigner, you must also sign in space 9

• If you are a foreigner, you must also sign in space 10

1. Application form

2. Nonrefundable filing fee in check or money order

payable to Registrar of Copyrights

3. Deposit material

MAIL TO:

Library of Congress

Copyright Office

101 Independence Avenue, S.E.

Washington, D.C. 20559-0000

*17 U.S.C. § 508(e): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.

December 1999—65,000

PRINTED ON RECYCLED PAPER

U.S. GOVERNMENT PRINTING OFFICE: 1996-454-879/20,050

EXHIBIT 6

CERTIFICATE OF REGISTRATION



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

FORM TX

For a Literary Work
UNITED STATES COPYRIGHT OFFICE

TX-4-395-740



EFFECTIVE DATE OF REGISTRATION

FEB 26 1997

REGISTER OF COPYRIGHTS
United States of America

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1

TITLE OF THIS WORK

Microsoft Windows NT Workstation, Version 4.0

PREVIOUS OR ALTERNATIVE TITLES

PUBLICATION AS A CONTRIBUTION If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work

If published in a periodical or serial give: Volume Number Issue Date On Pages

2

NAME OF AUTHOR

Microsoft Corporation

DATES OF BIRTH AND DEATH

Year Born Year Died

Was this contribution to the work a "work made for hire"?

☒ Yes
☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR Citizen of
Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☒ No
Pseudonymous? ☐ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

NOTE

Under the law, the "author" of

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed.

Entire work-computer software program, documentation, text on product packaging

NAME OF AUTHOR

DATES OF BIRTH AND DEATH

Year Born Year Died

Was this contribution to the work a "work made for hire"?

☐ Yes
☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR Citizen of
Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☐ No
Pseudonymous? ☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed.

NAME OF AUTHOR

DATES OF BIRTH AND DEATH

Year Born Year Died

Was this contribution to the work a "work made for hire"?

☐ Yes
☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR Citizen of
Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☐ No
Pseudonymous? ☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed.

death blank.

3

YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED

1996

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Complete this information ONLY if this work has been published. Month: September Day: 12 Year: 1996 U.S.A.

4

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2.

Microsoft Corporation
Law and Corporate Affairs
One Microsoft Way
Redmond, WA 98052

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright.

APPLICATION RECEIVED

FEB 26 1997

ONE DEPOSIT RECEIVED

TWO DEPOSITS RECEIVED

FEB 26 1997

FUNDS RECEIVED

MORE ON BACK

- Complete all applicable spaces (numbers 5-11) on the reverse side of this page.
- See detailed instructions.
- Sign the form at line 10.

DO NOT WRITE HERE

Page 1 of 2 pages

EXAMINED BY <i>gt</i>	FORM TX
CHECKED BY	
<input checked="" type="checkbox"/> CORRESPONDENCE	FOR COPYRIGHT OFFICE USE ONLY
Yes	

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☒ Yes ☐ No If your answer is "Yes," why is another registration being sought? (Check appropriate box)
a. ☐ This is the first published edition of a work previously registered in unpublished form.b. ☐ This is the first application submitted by this author as copyright claimant.c. ☒ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number

TX 3 950 096

Year of Registration

1996

DERIVATIVE WORK OR COMPILEATION Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.

a. Preexisting Material Identify any preexisting work or works that this work is based on or incorporates.

Previous version and files copyrighted by various third parties.

b. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed.

Additional programming text, additional written text and editorial revisions.

—space deleted—

REPRODUCTION FOR USE OF BLIND OR PHYSICALLY HANDICAPPED INDIVIDUALS A signature on this form at space 10 and a check in one of the boxes here in space 8 constitutes a non-exclusive grant of permission to the Library of Congress to reproduce and distribute solely for the blind and physically handicapped and under the conditions and limitations prescribed by the regulations of the Copyright Office (1) copies of the work identified in space 1 of this application in Braille (or similar tactile symbols); or (2) phonorecords embodying a fixation of that work; or (3) both.

a. ☐ Copies and Phonorecordsb. ☐ Copies Onlyc. ☐ Phonorecords Only

See instructions.

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

Name

Microsoft Corporation

Account Number

DA062819

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt./City/State/ZIP

Microsoft Corporation, Attention: Judy Weston

One Microsoft Way

Redmond, WA 98052

Area Code and Telephone Number (206) 936-9184

CERTIFICATION I, the undersigned, hereby certify that I am the

Check only one

☐ author.☐ other copyright claimant☐ owner of exclusive right(s)☒ authorized agent of Microsoft Corporation

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Name of author or other copyright claimant, or owner of exclusive right(s)

Typed or printed name and date If this application gives a date of publication in space 3, do not sign and submit it before that date.

Judy K.E. Weston

date 2/25/97

Handwritten signature (if)

MAIL CERTIFICATE TO

Certificate will be mailed in window envelope

Name Microsoft Corporation
Law and Corporate Affairs
Number/Street/Apartment Number
One Microsoft Way
City/State/ZIP
Redmond, WA 98052

YOU MUST
• Complete all necessary spaces
• Sign your application in space 10
• SEND ALL APPLICATIONS TO THE U.S. COPYRIGHT OFFICE
1. Application form
2. Nonrefundable \$20 filing fee in check or money order payable to Register of Copyrights
3. Deposit material
REGISTER TO
Register of Copyrights
Library of Congress
Washington, D.C. 20556-0000

*17 U.S.C. § 506(e): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 408, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.

EXHIBIT 7

CERTIFICATE OF REGISTRATION



OFFICIAL SEAL

This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters
REGISTER OF COPYRIGHTS
United States of America

FORM TX

For a Non-dramatic Literary Work
UNITED STATES COPYRIGHT OFFICE

REG

TX 5-837-617



EFFECTIVE DATE OF REGISTRATION

12 9 03
Month Day Year

DO NOT WRITE ABOVE THIS LINE IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET

1

TITLE OF THIS WORK

Microsoft Office Professional Edition 2003

PREVIOUS OR ALTERNATIVE TITLES

PUBLICATION AS A CONTRIBUTION If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared Title of Collective Work

If published in a periodical or serial give Volume Number Issue Date On Pages

2

NAME OF AUTHOR

a Microsoft Corporation

Was this contribution to the work a
"work made for hire?"
☒ Yes
☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR

Citizen of P.

Domiciled in

DATES OF BIRTH AND DEATH

Year Born Year Died

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☒ NoPseudonymous? ☐ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed

Entire work - computer software program, documentation & text on product packaging

NAME OF AUTHOR

b

Was this contribution to the work a
"work made for hire?"
☐ Yes
☒ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR

Citizen of P.

Domiciled in

DATES OF BIRTH AND DEATH

Year Born Year Died

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☒ NoPseudonymous? ☐ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed

NAME OF AUTHOR

c

Was this contribution to the work a
"work made for hire?"
☐ Yes
☒ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR

Citizen of P.

Domiciled in

DATES OF BIRTH AND DEATH

Year Born Year Died

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☒ NoPseudonymous? ☐ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed

3

YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED

2003

This information must be given ONLY if the work has been published

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Complete this information ONLY if the work has been published

Month: October

Day: 21

Year: 2003

Nation: USA

4

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2

Microsoft Corporation
Law and Corporate Affairs
One Microsoft Way
Redmond, WA 98052

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright

APPLICATION RECEIVED

DEC 09 2003

ONE DEPOSIT RECEIVED

TWO DEPOSITS RECEIVED

DEC 09 2003



FUNDS RECEIVED

MORE ON BACK

• Complete all applicable spaces (numbers 5-8) on the reverse side of this page
• See detailed instructions
• Sign the form at line 8

DO NOT WRITE HERE

Page 1 of 2 pages

EXAMINED BY 	FORM TX
CHECKED BY 	
<input type="checkbox"/> CORRESPONDENCE	FOR
<input type="checkbox"/> Yes	COPYRIGHT
	OFFICE
	USE
	ONLY

DO NOT WRITE ABOVE THIS LINE IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work or for an earlier version of this work, already been made in the Copyright Office?

a ☐ Yes ☐ No If your answer is "Yes," why is another registration being sought? (Check appropriate box) ☐ **5**a ☐ This is the first published edition of a work previously registered in unpublished formb ☐ This is the first application submitted by this author as copyright claimantc ☒ This is a changed version of the work, as shown by space 5 on this applicationIf your answer is "Yes" give Previous Registration Number ☐

TX 5-328-272

Year of Registration ☐

2001

DERIVATIVE WORK OR COMPILE

Presenting Material Identify any preceding work or works that this work is based on or incorporates ☐ **6**

a Previous version & has copyrighted by various third parties

b Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed ☐ **6**

Additional programming text, additional written text, and editorial revisions

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account ☐ **7**

a Microsoft Corporation

DAO63819

CORRESPONDENCE Give name and address to which correspondence about this application should be sent Name/Address/Apt/City/State/ZIP ☐

b Microsoft Corporation, ATTN Judy Weston

One Microsoft Way

Redmond, WA 98052

Area code and daytime telephone number ☐ (425) 706-8104Fax number ☐ (425) 836-7329Email ☐ judywe@microsoft.com


CERTIFICATION* I, the undersigned, hereby certify that I am the

Check only one ☐☐ author☐ other copyright claimant☐ owner of exclusive right(s)☒ authorized agent of Microsoft CorporationName of author or other copyright claimant, or owner of exclusive right(s) ☐ **8**

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge

Typed or printed name and date ☐ If this application gives a date of publication in space 3, do not sign and submit it before that date

Judy K K Weston

Date ☐ 12.4.03Handwritten signature (X) ☐X 

1. This is a true and correct copy of the work as submitted to the Copyright Office.

2. I have paid the fee for this application.

3. I have paid the fee for the deposit of the work in the Copyright Office.

4. I have paid the fee for the deposit of the work in the Copyright Office.

5. I have paid the fee for the deposit of the work in the Copyright Office.

6. I have paid the fee for the deposit of the work in the Copyright Office.

7. I have paid the fee for the deposit of the work in the Copyright Office.

8. I have paid the fee for the deposit of the work in the Copyright Office.

9. I have paid the fee for the deposit of the work in the Copyright Office.

10. I have paid the fee for the deposit of the work in the Copyright Office.

Mail certificate to

Name ☐ Microsoft Corporation, ATTN Judy Weston
Law and Corporate Affairs

Certificate will be mailed in window envelope

Number/Street/Box ☐

One Microsoft Way

City/State/ZIP ☐

Redmond, WA 98052

1. Complete all necessary material.

2. Sign your application in space 5.

3. Complete all necessary material.

4. Sign your application in space 5.

5. Complete all necessary material.

6. Sign your application in space 5.

7. Complete all necessary material.

8. Sign your application in space 5.

9. Complete all necessary material.

10. Sign your application in space 5.

1. Application fee

2. Information fee (see fee in chart or money order)

3. Renewal fee (see fee in chart or money order)

4. Copyright fee

5. Copyright fee

6. Copyright fee

7. Copyright fee

8. Copyright fee

9. Copyright fee

10. Copyright fee

*17 U.S.C. § 605(c) Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 408, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.

December 1999—68,000

U.S. GOVERNMENT PRINTING OFFICE: 1999-464-679/000

EXHIBIT 8

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

Register of Copyrights, United States of America

FORM TX

For a Non-dramatic Literary Work
UNITED STATES COPYRIGHT OFFICE

RE

TX 5-872-225



EFFECTIVE DATE OF REGISTRATION

12 9 03

Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1	TITLE OF THIS WORK		Microsoft Office Access 2003 Developer Extensions	
	PREVIOUS OR ALTERNATIVE TITLES			
PUBLICATION AS A CONTRIBUTION: If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work				
If published in a periodical or serial give: Volume Number Issue Date On Page				
2	NAME OF AUTHOR		DATES OF BIRTH AND DEATH	
	a Microsoft Corporation		Year Born Year Died	
Was this contribution to the work a "work made for hire"?		AUTHOR'S NATIONALITY OR DOMICILE		WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK
<input checked="" type="checkbox"/> Yes		OR <input checked="" type="checkbox"/> Citizen of U.S.		Anonymous? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<input type="checkbox"/> No		OR <input type="checkbox"/> Declassified info.		Pseudonymous? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
NATURE OF AUTHORSHIP: Briefly describe the nature of material created by this author in which copyright is claimed.				
Entire work - computer software program and electronic documentation				
3	NAME OF AUTHOR		DATES OF BIRTH AND DEATH	
	b		Year Born Year Died	
Was this contribution to the work a "work made for hire"?		AUTHOR'S NATIONALITY OR DOMICILE		WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK
<input type="checkbox"/> Yes		OR <input type="checkbox"/> Citizen of U.S.		Anonymous? <input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> No		OR <input type="checkbox"/> Declassified info.		Pseudonymous? <input type="checkbox"/> Yes <input type="checkbox"/> No
NATURE OF AUTHORSHIP: Briefly describe the nature of material created by this author in which copyright is claimed.				
NAME OF AUTHOR				
c				
Was this contribution to the work a "work made for hire"?		AUTHOR'S NATIONALITY OR DOMICILE		WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK
<input type="checkbox"/> Yes		OR <input type="checkbox"/> Citizen of U.S.		Anonymous? <input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> No		OR <input type="checkbox"/> Declassified info.		Pseudonymous? <input type="checkbox"/> Yes <input type="checkbox"/> No
NATURE OF AUTHORSHIP: Briefly describe the nature of material created by this author in which copyright is claimed.				
4	YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED		DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK	
	a 2003		b Month: 09 Day: 21 Year: 2003	
COPYRIGHT CLAIMANT(S): Name and address must be given even if the claimant is the same as the author given in space 2.		APPLICATION RECEIVED		
Microsoft Corporation		DEC 09 2003		
Law and Corporate Affairs		ONE DEPOSIT RECEIVED		
One Microsoft Way		TWO DEPOSITS RECEIVED		
Redmond, WA 98052		DEC 09 2003		
TRANSFER: If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright.		FUNDS RECEIVED		

MORE ON BACK

• Complete all applicable spaces (numbers 1-9) on the reverse side of this page.
• See detailed instructions.
• Sign the form at the bottom.

DO NOT WRITE HERE
Page 1 of 2 pages

EXAMINED BY W FORM TX
 CHECKED BY _____
☐ CORRESPONDENCE
 FOR COPYRIGHT OFFICE USE ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☐ Yes ☒ No. If your answer is "Yes," why is another registration being sought? (Check appropriate box.)a. ☐ This is the first published edition of a work previously registered in unpublished form.b. ☐ This is the first application submitted by this author as copyright claimant.c. ☐ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give Previous Registration Number.

Year of Registration

DERIVATIVE WORK OR COMPILATION

Presenting Material Identify any preexisting work or works that this work is based on or incorporates.

a

b

Material Added in This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed.

DEPOSIT ACCOUNT This registration fee is to be charged to a Deposit Account established in the Copyright Office; give name and number of Account.

Name

Account Number

a

Microsoft Corporation

DAO83819

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Box/City/State/ZIP

b

Microsoft Corporation, ATTN: Judy Weston

One Microsoft Way

Redmond, WA 98052

Area code and daytime telephone number (425) 706-9104

Fax number (425) 936-7329

Email Judyw@microsoft.com

CERTIFICATION I, the undersigned, hereby certify that I am the

Check only one

☐ Author☐ Other copyright claimant☐ Owner of exclusive rights☒ Authorized agent of Microsoft Corporation

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Name of author or other copyright claimant, or owner of exclusive rights

Typed or printed name and date If this application gives a date of publication in space 3, do not sign and submit it before that date.

Judy K.K. Weston

Date 12.4.03

Handwritten signature (X)

The filing fee of \$28.00 is effective through June 30, 1999. After that date, please check the Copyright Office Website at <http://www.copyright.gov/copyright> or call (202) 707-6000 for the latest fee information.

Mail certificate to:

Name Microsoft Corporation, ATTN: Judy Weston
Law and Corporate Affairs

Certificate will be mailed in window envelope

Number/Street/Box One Microsoft Way

City/State/ZIP Redmond, WA 98052

*17-U.S.C. § 504(b): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 408, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.

December 1988—88-000

U.S. GOVERNMENT PRINTING OFFICE: 1988-484-879/80,000

EXHIBIT 9

CERTIFICATE OF REGISTRATION



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters
REGISTER OF COPYRIGHTS
United States of America

FORM TX

For a Non-dramatic Literary Work
UNITED STATES COPYRIGHT OFFICE

TX 5-837-636



EFFECTIVE DATE OF REGISTRATION

12 9 03

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1 TITLE OF THIS WORK
Microsoft Office Excel 2003

PREVIOUS OR ALTERNATIVE TITLES

PUBLICATION AS A CONTRIBUTION If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work

If published in a periodical or serial give Volume Number Issue Date On Pages

2 a NAME OF AUTHOR
Microsoft Corporation

DATES OF BIRTH AND DEATH
Year Born Year Died

Was this contribution to the work a "work made for hire"?
☒ Yes
☐ No

AUTHOR'S NATIONALITY OR DOMICILE
Name of Country
OR
Citizen of P.
Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK
Anonymous? ☐ Yes ☒ No
Pseudonymous? ☐ Yes ☒ No
If the answer to either of these questions is "Yes," see detailed instructions.

NOTE

Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed.
Entire work - computer software program, documentation & text on product packaging

NAME OF AUTHOR

DATES OF BIRTH AND DEATH
Year Born Year Died

Was this contribution to the work a "work made for hire"?
☐ Yes
☒ No

AUTHOR'S NATIONALITY OR DOMICILE
Name of Country
OR
Citizen of P.
Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK
Anonymous? ☐ Yes ☒ No
Pseudonymous? ☐ Yes ☒ No
If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed.

NAME OF AUTHOR

DATES OF BIRTH AND DEATH
Year Born Year Died

Was this contribution to the work a "work made for hire"?
☐ Yes
☒ No

AUTHOR'S NATIONALITY OR DOMICILE
Name of Country
OR
Citizen of P.
Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK
Anonymous? ☐ Yes ☒ No
Pseudonymous? ☐ Yes ☒ No
If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed.

3 a YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED
2003

b DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK
Month Day Year
08 09 2003
U.S.A.

4 COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2.
Microsoft Corporation
Law and Corporate Affairs
One Microsoft Way
Redmond, WA 98052

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright.

APPLICATION RECEIVED
DEC 09 2003

ONE DEPOSIT RECEIVED

TWO DEPOSITS RECEIVED
DEC 09 2003

FUNDS RECEIVED

MORE ON BACK
• Complete all applicable spaces (numbers 2-4) on the reverse side of this page.
• See detailed instructions.
• Sign the form at line 4.

DO NOT WRITE HERE
Page 1 of 2 pages

EXAMINED BY <u>NO</u>	FORM TX
CHECKED BY <u></u>	
<input type="checkbox"/> CORRESPONDENCE	FOR
<input type="checkbox"/> Yes	COPYRIGHT
	OFFICE
	USE
	ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

a. ☒ Yes ☐ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.)b. ☐ This is the first published edition of a work previously registered in unpublished form.c. ☐ This is the first application submitted by this author as copyright claimant.d. ☒ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number

TX 5-318-231

Year of Registration

2001

DERIVATIVE WORK OR COMPILATION

Presenting Material Identify any presenting work or works that this work is based on or incorporates.

a. Previous version & titles copyrighted by various third parties

b. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed.

Additional programming text, additional written text, and editorial revisions

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

Name

a. Microsoft Corporation

Account Number

DA063819

CORRESPONDENCE Give name and address to which correspondence about this application should be sent.

b. Microsoft Corporation, ATTN: Judy Weston

One Microsoft Way

Redmond, WA 98052

Area code and daytime telephone number (425) 706-9104

Fax number (425) 836-7329

Email judywe@microsoft.com

CERTIFICATION I, the undersigned, hereby certify that I am the

Check only one

☐ author☐ other copyright claimant☐ owner of exclusive rights☒ authorized agent of Microsoft Corporation

Name of author or other copyright claimant, or owner of exclusive rights

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date If this application gives a date of publication in space 3, do not sign and submit it before that date.

Judy K.K. Weston

Date 12.4.03

Handwritten Signature (X)

1. This is a true and correct copy of the work as submitted to the Copyright Office.

2. I warrant that the work is original and does not infringe any copyright in the United States or any other country.

Mail certificate to:

Certificate will be mailed in window envelope

Name Microsoft Corporation, ATTN: Judy Weston
Law and Corporate Affairs

Number/Street/Apt

One Microsoft Way

City/State/ZIP

Redmond, WA 98052

3. Complete all necessary forms.

4. Sign your application in space 5.

5. Payment of fee.

6. Payment of fee in check or money order payable to Register of Copyrights.

7. Payment of fee.

Copyright Office

1775 M Street, N.E.

Washington, D.C. 20540-5000

*17 U.S.C. § 405(a). Any person who knowingly makes a false representation of a material fact in this application for copyright registration provided for by section 408, or in any written statement filed in connection with the application, shall be fined not more than \$2,000.

December 1999—05,000

U.S. GOVERNMENT PRINTING OFFICE: 1999-484-879/000

EXHIBIT 10

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters
Register of Copyrights, United States of America

FORM TX

For a Non-dramatic Literary Work
UNITED STATES COPYRIGHT OFFICE

TX 5-800-087



EFFECTIVE DATE OF REGISTRATION

JAN 09 2004

Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

TITLE OF THIS WORK

Microsoft Office Outlook 2003

PREVIOUS OR ALTERNATIVE TITLES

PUBLICATION AS A CONTRIBUTION If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work

If published in a periodical or serial, give Volume Number Issue Date On Pages

NAME OF AUTHOR

Microsoft Corporation

DATES OF BIRTH AND DEATH
Year Born Year Died

Was this contribution to the work a "work made for hire"?

☒ Yes
☐ NoAUTHOR'S NATIONALITY OR DOMICILE
Name of CountryOR
Citizen of
Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☒ No
Pseudonymous? ☐ Yes ☒ No

NOTE

Under the line, the "author" of a "work made for hire" is generally the employer, not the employee (see section 101). For any part of the work that was made for hire, check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed.

Entire work - computer software program, documentation & lead-in product packaging

NAME OF AUTHOR

DATES OF BIRTH AND DEATH
Year Born Year Died

Was this contribution to the work a "work made for hire"?

☐ Yes
☒ NoAUTHOR'S NATIONALITY OR DOMICILE
Name of CountryOR
Citizen of
Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☒ No
Pseudonymous? ☐ Yes ☒ No

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed.

NAME OF AUTHOR

DATES OF BIRTH AND DEATH
Year Born Year Died

Was this contribution to the work a "work made for hire"?

☐ Yes
☒ NoAUTHOR'S NATIONALITY OR DOMICILE
Name of CountryOR
Citizen of
Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☒ No
Pseudonymous? ☐ Yes ☒ No

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed.

YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED
2003DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK
Month Day Year
October 21 2003
U.S.A.

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2.

Microsoft Corporation
Law and Corporate Affairs
One Microsoft Way
Redmond, WA 98052

APPLICATION RECEIVED
JAN 09 2004
ONE DEPOSIT RECEIVEDJAN 09 2004
FURNISH RECEIVED

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright.

MORE ON BACK ▶ • Complete all applicable spaces (numbers 5-8) on the reverse side of this page.
• See detailed instructions • Sign the form at line 8DO NOT WRITE HERE
Page 1 of 2 Pages

EXAMINED BY

FORM TX

CHECKED BY

CORRESPONDENCE

Yes

FOR
COPYRIGHT
OFFICE
USE
ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made at the Copyright Office?

a. ☐ Yes ☐ No. If your answer is "Yes," why is another registration being sought? (Check appropriate box.)b. ☐ This is the first published edition of a work previously registered in unpublished form.c. ☐ This is the first application submitted by this author as copyright claimant.d. ☐ This is a changed version of the work, as shown by space 8 on this application.

If your answer is "Yes," give Previous Registration Number

Year of Registration

TX B-321-422

2001

DERIVATIVE WORK OR COMPILATION

Preexisting material. Identify any preexisting work or works that this work is based on or incorporates.

Previous version & files copyrighted by various third parties

See instructions
before completing
this space.

Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed.

Additional programming text, additional written text, and editorial revisions

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

Name

Account Number

Microsoft Corporation

BA083819

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt./City/State/ZIP

Microsoft Corporation, ATTN: Judy Weston

One Microsoft Way

Redmond, WA 98052

Telephone and telex numbers (optional): (425) 706-9104

Facsimile: (425) 936-7329

E-mail: judywe@microsoft.com

CERTIFICATION I, the undersigned, hereby certify that I am the

Check only one:

of the work specified in this application and that the statements made by me in this application are correct to the best of my knowledge.

I am the:

☐ author☐ joint copyright claimant☐ owner of exclusive rights☒ authorized agent of the

Name of author or other copyright claimant, or owner of exclusive right(s)

Microsoft Corporation

Typed or printed name and date. If this application were a date of publication in space 8, do not sign and submit it before that date.

Judy K.K. Weston

Date: 1-07-04

Handwritten signature

The filing fee of \$20.00 is due at the time of filing. After that date, the fee may be paid by check or money order payable to the Copyright Office, or by credit card. For the fee schedule, see the Copyright Office website at www.copyright.gov.

Mail
certificate
to:Name: Microsoft Corporation, ATTN: Judy Weston
Law and Corporate AffairsCertificate
will be
mailed in
window
envelope

Number/Depository

City/State/ZIP

One Microsoft Way

Redmond, WA 98052

*17 U.S.C. § 508(a) Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 408, or in any written statement filed in connection with the application, shall be fined not more than \$2,000.

October 1999 - 99,000

U.S. GOVERNMENT PRINTING OFFICE: 1999-454-87980,050